

Exhibit 4

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<p>1 UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF MISSOURI, EASTERN DIVISION 3 --oOo-- 4 DWAYNE FURLOW, et al.,) 5 Plaintiff) 6 vs.) No. 4:16-CV-00254-CEJ 7 JON BELMAR, et al.,) 8 Defendants.) 9 _____) 10 VIDEO-RECORDED DEPOSITION OF 11 CHRISTOPHER PARTIN 12 _____ 13 February 8, 2017 14 15 (Beginning at 9:30 a.m.) 16 17 18 19 20 21 22 23 24 25</p>	<p>1 Exhibit 7 November 11th, 2015, email from 151 2 Blake Strode which attaches a 3 letter from ArchCity Defenders 4 Exhibit 8 Summons issued to Mr. Furlow 155 5 dated DEFRFP100000001 6 (The original exhibits were retained by the court 7 reporter and will be copied and attached to copies 8 of the transcript.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
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<p>1 INDEX 2 PAGE 3 4 EXAMINATION BY MR. HOLLAND9 5 EXAMINATION BY MR. HUGHES160 6 FURTHER EXAMINATION BY MR. HOLLAND210 7 FURTHER EXAMINATION BY MR. HUGHES214 8 FURTHER EXAMINATION BY MR. HOLLAND215 9 EXHIBITS 10 Exhibit 1 General order dated July 15, 29 11 2015, Bates stamped 12 DEF-RFP23400000017 13 Exhibit 2 General order dated September 14, 29 14 2016, Bates numbered 15 DEF-RFP23400000022 16 Exhibit 3 General Order 11-26 dated 31 17 September 13th, 2011, Bates 18 numbered DEFRFP23400000013 19 Exhibit 4 General Order 10-37 Bates 76 20 numbered DEF-RFP23400000028 21 Exhibit 5 General Order 16-37 dated March 77 22 16th, 2016, Bates numbered 23 DEFRFP23400000078 24 Exhibit 6 Police report Bates numbered 119 25 DEFRFP 100000004</p>	<p>1 UNITED STATES DISTRICT COURT 2 EASTERN DISTRICT OF MISSOURI, EASTERN DIVISION 3 --oOo-- 4 DWAYNE FURLOW, et al.,) 5 Plaintiff) 6 vs.) No. 4:16CV00254CEJ 7 JON BELMAR, et al.,) 8 Defendants.) 9 _____) 10 --oOo-- 11 VIDEO-RECORDED DEPOSITION OF CHRISTOPHER 12 PARTIN, produced, sworn, and examined on Wednesday, 13 February 8, 2017, taken on behalf of the Plaintiffs, 14 at the offices of Midwest Litigation Services, 711 15 North 11th Street, in the City of St. Louis, State 16 of Missouri, before RENÉE COMBS QUINBY, a Certified 17 Court Reporter (MO), Certified Shorthand Reporter 18 (CA), Registered Merit Reporter, Certified Realtime 19 Reporter, and a Notary Public within and for the 20 State of Missouri. 21 22 23 24 25</p>

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<p>1 APPEARANCES</p> <p>2</p> <p>3 FOR THE PLAINTIFFS:</p> <p>4 Blake Strobe, Esq.</p> <p>5 Edward Hall, Esq.</p> <p>6 ArchCity Defenders, Inc.</p> <p>7 1210 Locust Street</p> <p>8 St. Louis, MO 63103</p> <p>9 (855)724-2489</p> <p>10 bstrobe@archcitydefenders.org</p> <p>11 ehall@archcitydefenders.org</p> <p>12</p> <p>13 Timothy Holland, Esq.</p> <p>14 Elizabeth Grossman, Esq.</p> <p>15 Jonathan Wall, Esq.</p> <p>16 Charles Hamilton, Esq.</p> <p>17 Paul, Weiss, Rifkind, Wharton & Garrison LLP</p> <p>18 1285 Avenue of the Americas</p> <p>19 New York, NY 10019-6064</p> <p>20 (212)373-3373</p> <p>21 tholland@paulweiss.com</p> <p>22 egrossman@paulweiss.com</p> <p>23 jwall@paulweiss.com</p> <p>24 chamilton@paulweiss.com</p> <p>25</p> <p>15 Britney Wilson, Esq.</p> <p>16 Center For Constitutional Rights</p> <p>17 666 Broadway, 7th Floor</p> <p>18 New York, NY 10012</p> <p>19 (212)614-6464</p> <p>20 bwilson@ccrjustice.org</p>	<p>1 --oOo--</p> <p>2 IT IS HEREBY STIPULATED AND AGREED by and</p> <p>3 between counsel for the Plaintiffs and counsel for</p> <p>4 the Defendants, that this deposition may be taken in</p> <p>5 machine shorthand by RENÉE COMBS QUINBY, a Certified</p> <p>6 Court Reporter and Notary Public, and afterwards</p> <p>7 transcribed into typewriting, and the signature</p> <p>8 waived by agreement of Counsel and consent of the</p> <p>9 Witness.</p> <p>10 --oOo--</p> <p>11 P R O C E E D I N G S 9:30 a.m.</p> <p>12 --oOo--</p> <p>13 THE VIDEOGRAPHER: We are now on the</p> <p>14 record. Today's date is February the 8th, 2017.</p> <p>15 The time is approximately 9:31 a.m. This is the</p> <p>16 video-recorded deposition of Officer Christopher</p> <p>17 Partin in the matter of Furlow, et al. versus</p> <p>18 Belmar, et al., case number 4:16CV00245CEJ, in the</p> <p>19 United States District Court for the Eastern</p> <p>20 District of Missouri.</p> <p>21 This deposition is being held at</p> <p>22 Midwest Litigation Center in St. Louis, Missouri.</p> <p>23 The reporter's name is Renée Quinby. My name is</p> <p>24 David Doell, and I'm the legal videographer. We're</p> <p>25 here with Midwest Litigation Services.</p>
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<p>1 FOR THE DEFENDANTS:</p> <p>2 Michael E. Hughes, Esq.</p> <p>3 St. Louis County Counselor's Office</p> <p>4 41 S. Central Avenue,</p> <p>5 Clayton, MO 63105</p> <p>6 (314)615-7042</p> <p>7 mhughes2@stlouisco.com</p> <p>8</p> <p>9 THE VIDEOGRAPHER:</p> <p>10 David Doell</p> <p>11 Midwest Litigation Services</p> <p>12 711 North 11th Street</p> <p>13 St. Louis, MO 63101</p> <p>14 (314)644-2191</p> <p>15</p> <p>16 COURT REPORTER:</p> <p>17 RENÉE COMBS QUINBY, RMR, CRR</p> <p>18 CSR (CA) #11867</p> <p>19 CCR (MO) #1291</p> <p>20 Midwest Litigation Services</p> <p>21 711 North 11th Street</p> <p>22 St. Louis, MO 63101</p> <p>23 (314)644-2191</p> <p>24</p> <p>25</p>	<p>1 Will the attorneys present please</p> <p>2 introduce yourselves.</p> <p>3 MR. HOLLAND: My name is Timothy</p> <p>4 Holland from the firm of Paul Weiss. I am here on</p> <p>5 behalf of plaintiffs, along with my colleagues,</p> <p>6 Elizabeth Grossman, Charles Hamilton, and Jonathan</p> <p>7 Wall. And I have some colleagues from a couple</p> <p>8 other places who will introduce themselves.</p> <p>9 MR. STRODE: My name is Blake Strobe</p> <p>10 from ArchCity Defenders with Ed Hall.</p> <p>11 MS. WILSON: My name is Britney Wilson</p> <p>12 here on behalf of the Center for Constitutional</p> <p>13 Rights.</p> <p>14 MR. HOLLAND: Go ahead.</p> <p>15 MR. WALL: Jonathan Wall. He</p> <p>16 introduced me.</p> <p>17 MR. HUGHES: Oh, yeah. You're</p> <p>18 Jonathan, okay. I'm Mike Hughes. I represent Chris</p> <p>19 Partin and also Laura Clements, and also Kevin Walsh</p> <p>20 and Chief Jon Belmar in his official capacity, and</p> <p>21 St. Louis County.</p> <p>22 THE VIDEOGRAPHER: If the court</p> <p>23 reporter would please swear in the witness and we</p> <p>24 may proceed.</p> <p>25 CHRISTOPHER PARTIN,</p>

2 (Pages 5 to 8)

<p style="text-align: right;">Page 9</p> <p>1 of lawful age, having been first duly sworn to 2 testify to the truth, the whole truth, and nothing 3 but the truth in the case aforesaid, deposes and 4 says in reply to oral interrogatories propounded as 5 follows, to-wit: 6 --o0o-- 7 EXAMINATION 8 BY MR. HOLLAND: 9 Q. Good morning, Officer Partin. Just for 10 the record's sake, can you just state your name, 11 please. 12 A. Officer Christopher Partin. 13 Q. And spell the last name. 14 A. P-a-r-t-i-n. 15 Q. Good morning, Officer Partin. Thank 16 you for coming today. I'll be asking you some 17 questions today. If at any point my question is 18 vague or confusing to you, just please let me know 19 and I'll try my best to rephrase it just so we can 20 make sure we're on the same page. 21 Is there any reason, medically or due 22 to a substance, that you don't think you'll be able 23 to give truthful or full answers today? 24 A. No. 25 Q. If that changes at any point today,</p>	<p style="text-align: right;">Page 11</p> <p>1 ask is that you don't take a break while a question 2 of mine is pending. Is that fair? 3 A. Yes. 4 Q. And lastly, are you represented by 5 counsel today? 6 A. Yes. 7 Q. Your counsel, Mr. Hughes, may object to 8 a question that I ask. Once he puts the objection 9 on the record, unless he instructs you not to, you 10 can continue to answer my question. 11 A. Okay. 12 Q. Do you understand that you're here 13 today in connection with a -- a legal case? 14 A. Yes. 15 Q. Do you understand that you're a 16 defendant in that legal case? 17 A. Yes. 18 Q. What is your understanding of the case? 19 A. My understanding of the case is that 20 it's in regards to the use of wanteds. 21 Q. Anything else? 22 A. That's about it. 23 Q. Okay. Have you read the complaint in 24 this action? 25 A. Yes.</p>
<p style="text-align: right;">Page 10</p> <p>1 will you let me know? 2 A. Yes. 3 Q. Okay. Just to try to get you out of 4 here as quickly as we can today, let's go over some 5 ground rules up front. As you can see, we have a 6 court reporter here trying to take down every word 7 that we say. As she is only one person, she can 8 only take down what one of us is saying at each 9 time, so let's just do our best to try not to talk 10 over each other. I think it's bound to happen, but 11 the less it happens, the more smoothly this will go 12 today. 13 Second, as you were just told by the 14 court reporter, you're on the record under oath, so 15 it's important that you give truthful, complete 16 answers, but it also means that at any point later 17 in the deposition you realize something you said 18 was -- you know, you want to correct it or wasn't as 19 complete as you wish you would have made it, just 20 please let me know that and I'll give you that 21 opportunity. 22 A. Okay. 23 Q. And I'm not sure that we'll be here all 24 day today. But if at any point you want to take a 25 break, it's at your leisure. Just the only thing I</p>	<p style="text-align: right;">Page 12</p> <p>1 Q. And you understand the claims against 2 you and your codefendants? 3 A. Yes. 4 Q. Okay. Have you ever been deposed 5 before? Have you ever sat for a deposition as we're 6 doing today? 7 A. No. 8 Q. What did you do to prepare for the 9 deposition today? 10 A. I had two meetings with Mr. Hughes, and 11 then again this morning prior to sitting in front of 12 you guys today. 13 Q. When were your two meetings aside from 14 this morning with Mr. Hughes? 15 A. One was approximately a week ago, and 16 then the other one was probably two weeks prior to 17 that. 18 Q. And about how long did you meet with 19 him each of those times? 20 A. I think approximately three hours 21 apiece. 22 Q. Apiece? Okay. Did you review any 23 documents during those meetings? 24 A. I reviewed the complaint, our answer to 25 the complaint, the police report pertaining to me,</p>

<p style="text-align: right;">Page 13</p> <p>1 and the summons that I issued Mr. Furlow, and the</p> <p>2 County Counselor's notes on the -- from the night of</p> <p>3 the court -- night court.</p> <p>4 Q. From the night that Mr. Furlow -- was</p> <p>5 in connection with the summons that you issued?</p> <p>6 A. Correct.</p> <p>7 Q. Aside from your meetings with</p> <p>8 Mr. Hughes, did you review any documents on your own</p> <p>9 to prepare for today?</p> <p>10 A. Just the documents that I mentioned,</p> <p>11 those were the only documents that I had read.</p> <p>12 Q. When did you learn that you would be</p> <p>13 testifying today?</p> <p>14 A. Approximately three weeks ago.</p> <p>15 Q. Do you have a work email address?</p> <p>16 A. Yes.</p> <p>17 Q. Is that how you communicate with other</p> <p>18 officers or other employees of St. Louis County?</p> <p>19 A. Yes.</p> <p>20 Q. Did there come a time when someone</p> <p>21 asked you to collect documents of your own in</p> <p>22 connection with this litigation?</p> <p>23 A. No.</p> <p>24 Q. You were never asked to collect,</p> <p>25 whether it be emails or notes in regard to this</p>	<p style="text-align: right;">Page 15</p> <p>1 Q. How about Officer Walsh?</p> <p>2 A. Again, I know he's an officer on</p> <p>3 St. Louis County, but I have not worked with him.</p> <p>4 Q. Do you understand that they are named</p> <p>5 defendants as you are in this litigation?</p> <p>6 A. Yes.</p> <p>7 Q. Have you spoken with them at all</p> <p>8 regarding this litigation since you were named a</p> <p>9 defendant?</p> <p>10 A. No.</p> <p>11 Q. Have you spoken with Chief Jon Belmar</p> <p>12 about this case at all?</p> <p>13 A. No.</p> <p>14 Q. Are you familiar with Dwayne Furlow?</p> <p>15 A. From my case, yes.</p> <p>16 Q. Have you had any interactions with</p> <p>17 Mr. Furlow since you were named a defendant in this</p> <p>18 action?</p> <p>19 A. No.</p> <p>20 Q. Okay. I'd like to get into some of --</p> <p>21 some background about you. So going back to when</p> <p>22 you graduated high school, can you tell us what</p> <p>23 education you have?</p> <p>24 A. I have -- after high school, instead of</p> <p>25 going to -- directly to college, I deployed to Iraq</p>
<p style="text-align: right;">Page 14</p> <p>1 litigation?</p> <p>2 A. No.</p> <p>3 Q. Okay. Are you -- do you -- strike</p> <p>4 that.</p> <p>5 Do you recall using email to discuss</p> <p>6 Mr. Furlow or anything with regard to this</p> <p>7 litigation?</p> <p>8 MR. HUGHES: Do you mean email</p> <p>9 communication with me or email communication with</p> <p>10 other -- others?</p> <p>11 BY MR. HOLLAND:</p> <p>12 Q. Let's break that down. I'll reask the</p> <p>13 question. Do you recall using email to communicate</p> <p>14 regarding Mr. Furlow with any other officers?</p> <p>15 A. No.</p> <p>16 Q. With anyone other than Mr. Hughes?</p> <p>17 A. No.</p> <p>18 Q. Do you recall sending any hard copy</p> <p>19 correspondence or notes to anyone regarding this</p> <p>20 case?</p> <p>21 A. No.</p> <p>22 Q. Are you familiar with Detective Laura</p> <p>23 Clements?</p> <p>24 A. I know she's a detective on our</p> <p>25 department. I have not worked with her.</p>	<p style="text-align: right;">Page 16</p> <p>1 within a year of graduating high school. I was</p> <p>2 there for a year, came home, did a little bit of</p> <p>3 college. I have 37 credit hours. And then just</p> <p>4 army training, classes, and then The Police Academy</p> <p>5 and my continuing education with them.</p> <p>6 Q. Thank you for your service.</p> <p>7 A. Sure.</p> <p>8 Q. Okay. So you took some college</p> <p>9 courses, some army training, and then you entered</p> <p>10 The Police Academy. About when was that?</p> <p>11 A. March of 2015.</p> <p>12 Q. And how long were you at The Police</p> <p>13 Academy?</p> <p>14 A. Six months.</p> <p>15 Q. So about September 2015, what happened</p> <p>16 then?</p> <p>17 A. I graduated from The Police Academy and</p> <p>18 was given my duty assignment to the Affton southwest</p> <p>19 precinct.</p> <p>20 Q. And that is when you joined the</p> <p>21 St. Louis County Police Department?</p> <p>22 A. I --</p> <p>23 Q. Became -- excuse me, became a St. Louis</p> <p>24 County police officer?</p> <p>25 A. I was a hired employee going through</p>

<p style="text-align: right;">Page 17</p> <p>1 the academy, so I actually was a hired employee 2 beginning in March. 3 Q. What is the difference between a hired 4 employee and your current role? 5 MR. HUGHES: I'm sorry? 6 MR. HOLLAND: Yes. 7 MR. HUGHES: I heard what is the 8 difference between hired employee and then I -- for 9 some reason -- 10 MR. HOLLAND: Sorry. 11 MR. HUGHES: I guess my hearing isn't 12 what it once was. 13 MR. HOLLAND: I think I spoke softly, 14 and I'll try not to do that today. 15 Q. Okay. So what is your current 16 position? 17 A. I'm a hired patrol officer. 18 Q. And you said in March 2015 you were a 19 hired employee, correct? 20 A. I was a hired police recruit. 21 Q. A hired police recruit. What does a 22 hired police recruit do? 23 A. Basically, we do the same thing as a 24 police recruit. In the academy, there's multiple 25 ways you can go through. You can be a hired county</p>	<p style="text-align: right;">Page 19</p> <p>1 So why don't you tell me a typical day 2 while you're a hired recruit. 3 A. You would show up on the parking lot at 4 7:10 a.m. You would enter the building as a group. 5 You would store your lunchbox in the cafeteria. You 6 would put your gear away in the locker room, and 7 then you would prepare for first inspection. So the 8 supervisors would come around and make sure that you 9 looked squared away for the day and that you shaved, 10 and you'd go and sit in classes for about an hour, 11 and then take a break and you had lunch, and then 12 depending on the day, you may have class the rest of 13 the afternoon or you may have physical training, PT, 14 at the end of the day. 15 Q. I think I'm going to come back and ask 16 you about some of those -- the training courses that 17 you took at the academy. So then -- so you did that 18 for about six months, and then in September 2015, 19 you became a hired police officer. What was -- 20 what's a typical day for you as a hired police 21 officer since then? 22 A. Then it was, I would -- I was on 23 afternoon, so my shift started at 11:00 a.m. and was 24 over at 9:00 p.m. It could be anything. I mean, 25 you could respond to any call doing investigation.</p>
<p style="text-align: right;">Page 18</p> <p>1 employee going through the academy, which is where 2 you're paid. You can be going with a connection to 3 a college, or you can be open enrollment where you 4 try to get a job while you're going through with 5 either St. Louis County or one of the 6 municipalities. 7 Q. And which of those were you? 8 A. I was a hired county employee. 9 Q. And you hold that role for the six 10 months while you were in the academy? 11 A. Yes. 12 Q. And then in September 2015, you became 13 a hired officer? 14 A. Police officer. 15 Q. Hired police officer. And how did your 16 role change? 17 A. I no longer had to go the academy, and 18 then I was on field training. 19 Q. So let's talk about what you would do 20 while you were at the academy. So March 2015 21 through September -- through early September 2015, 22 you were a hired recruit and also going to the 23 academy, and then in September 2015, you became a 24 hired police officer no longer having -- no longer 25 having to go to the academy.</p>	<p style="text-align: right;">Page 20</p> <p>1 Just you were at the mercy of whatever calls came 2 out or whatever self-initiated things you happened 3 to do that day. 4 Q. So after the six months' Police 5 Academy, did you have any -- any further training 6 responsibilities or obligations? 7 A. On field training it was basically 8 another learning environment. They teach you more. 9 The Police Academy is kind of basic for P.O.S.T. 10 certification, and then when you get to field 11 training they teach you a more -- more about 12 St. Louis County procedure and policy and prepare 13 you to be on the road by yourself. 14 Q. You said they teach you. Who is they? 15 A. Field trainers. 16 Q. Is there a team field trainers or does 17 each -- sorry. Strike that. 18 Does each police officer have an 19 individual field trainer? 20 A. Field training is four phases. Your 21 first -- you're assigned a field trainer when you 22 graduate the academy. Your first field trainer is 23 considered your primary field trainer, so you're 24 with him for phase one and phase four. And I 25 believe phase one is four or five weeks, and then</p>

<p style="text-align: right;">Page 21</p> <p>1 you go to an alternate field trainer in the same 2 precinct, possibly on a different shift. Usually on 3 a different shift. 4 You're with them for three to four 5 weeks, and then you go to an alternate field trainer 6 at a different precinct and you're with them for, I 7 believe, four weeks, and then you go back to your 8 home precinct and you're there for another four 9 weeks. 10 Q. So this field training was broken up 11 into phases. Other than being with a different 12 field trainer or field officer, are there any 13 differences between the phases? 14 A. Your first phase, they kind of show you 15 the ropes of the area that you're working. They 16 teach you a lot of procedure. They ask you 17 questions. They -- they kind of walk you through 18 how to investigate things, how to look at them. 19 Phase two is a little bit -- you're not 20 new but you're not senior, so you -- they're still 21 teaching you, but they expect more from you. And 22 then phase three, it's basically they're there with 23 you and then you talk to them, and then phase four 24 is you're basically running everything. You're 25 working the radio, driving the car. Basically, when</p>	<p style="text-align: right;">Page 23</p> <p>1 that. 2 Considering the facts underlying the 3 complaint relating to your involvement with 4 Mr. Furlow, I believe that happened in 5 November 2015; is that correct? 6 A. Yes. 7 Q. What phase would you have been in at 8 that -- 9 A. Phase three. 10 Q. Okay. And who was your phase one field 11 trainer? 12 A. Joseph Curcuru. 13 Q. Can you spell that last name? 14 A. C-u-r-c-u-r-u. 15 Q. And who was your phase two field 16 trainer? 17 A. Christopher Rickard. 18 Q. Spell the last name for the record. 19 A. R-i-c-k-a-r-d. 20 Q. And who was your field three officer? 21 A. Christopher Slusser. 22 Q. Excuse me. Let me just ask that again 23 for the record. Who was your phase three field 24 trainer. I believe I said field three. 25 A. Christopher Slusser. That's</p>
<p style="text-align: right;">Page 22</p> <p>1 you go on the call, you're the primary officer. You 2 know you're writing the report; you're supposed to 3 gather as much information as you can. 4 Q. And you said during phase one -- and 5 this may happen in other phases -- they're kind of 6 showing you the ropes and teaching you about 7 St. Louis County policy and procedure. Do they have 8 materials with them that they're showing you or are 9 they just -- well, strike that. 10 Let me ask it this way: When you're 11 on -- in phase one and they're showing you policy 12 and procedure of St. Louis County, are they showing 13 you any materials? 14 A. They do go over the general orders in a 15 pretty lengthy manner. 16 Q. We'll get into those a little later. 17 So just as a background question, it 18 sounds like you started phase one in September 2015; 19 is that right? 20 A. Correct. 21 Q. And you said each phase is around four 22 to five weeks; is that right? 23 A. Yes. 24 Q. So just thinking about the subject 25 matter of your relevance to this or your -- strike</p>	<p style="text-align: right;">Page 24</p> <p>1 S-l-u-s-s-e-r. 2 Q. Christopher Slusser would have been 3 your field trainer in November of 2015? 4 A. Correct. 5 Q. And your field four -- phase four field 6 trainer would have been Officer Curcuru? 7 A. Yes. 8 Q. And when did you end phase four field 9 training? 10 A. Approximately a week or two before 11 Christmas. 12 Q. 2015? 13 A. Yes. 14 Q. So March 2015 through, give or take, 15 Christmas 2015, you had six months of Police Academy 16 and three months of field training? 17 A. Correct. 18 Q. Aside from those two areas, what other 19 training has the police -- has the St. Louis County 20 Police Department provided to you? 21 A. Since December of '15 to now? 22 Q. Yes. 23 A. I've had a couple in-service dates 24 where you sit in a classroom and you're taught 25 more -- more things. I also went to crisis</p>

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<p>1 intervention training, which was a week-long class.</p> <p>2 I went to a three-day patrol rifleman's class, and</p> <p>3 then I had a range day there.</p> <p>4 Q. When you -- sorry. Were you done?</p> <p>5 A. Yes.</p> <p>6 Q. And when you say you sit in a classroom</p> <p>7 and they teach you more things, are they teaching</p> <p>8 you things that were already in place and you</p> <p>9 reached a level where they felt you needed to learn</p> <p>10 it, or are they teaching you things because policies</p> <p>11 have changed, or both?</p> <p>12 A. They teach you about policy changes,</p> <p>13 but they also teach you about, like, the law</p> <p>14 changes. January 1st the changes with domestic</p> <p>15 violence and assaults and how they added and changed</p> <p>16 what used to be a domestic assault third changed,</p> <p>17 and just how -- how the law has changed and how they</p> <p>18 were being implemented among the department, and if</p> <p>19 you get this case, this is basically what it's</p> <p>20 considered.</p> <p>21 Q. Okay. And so at The Police Academy,</p> <p>22 are the people who train you and teach the courses</p> <p>23 there the same people who would provide this</p> <p>24 continuing education once you're an officer?</p> <p>25 A. For certain classes, yes. My</p>	<p>1 reported to whichever supervisor was in charge for</p> <p>2 that day.</p> <p>3 Q. So you didn't have the same supervisor</p> <p>4 at all times?</p> <p>5 A. We had the -- on the platoon there is</p> <p>6 three supervisors assigned, two sergeants and a</p> <p>7 lieutenant. And as far as the days, it just</p> <p>8 depended on who was working that day.</p> <p>9 Q. Did you have sergeants and lieutenants</p> <p>10 who were your supervisor more often than others?</p> <p>11 A. I think it was pretty spread out. I</p> <p>12 had the same sergeants at least two days a week.</p> <p>13 Q. Who were those sergeants?</p> <p>14 A. After I got off field training, I was</p> <p>15 only on afternoons until January 1st, and then I</p> <p>16 switched to days for the year, so my supervisors</p> <p>17 were Sergeant Quentin, Sergeant Koeller, Lieutenant</p> <p>18 McWilliams, who left the precinct, and then it was</p> <p>19 Lieutenant Gomez.</p> <p>20 Q. About when did Lieutenant Gomez become</p> <p>21 your -- or excuse me. Strike that.</p> <p>22 About when did Lieutenant Gomez become</p> <p>23 one of the supervisors for you?</p> <p>24 A. I do not know.</p> <p>25 Q. Okay.</p>
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<p>1 constitutional law professor retired, so there was a</p> <p>2 different person teaching that, but certain classes</p> <p>3 are still taught by the same instructors.</p> <p>4 Q. So just to be clear, when you're taking</p> <p>5 these in-classroom courses after you finish your</p> <p>6 field training, it's kind of going back to the</p> <p>7 academy to refresh or learn something new?</p> <p>8 A. Correct.</p> <p>9 Q. So that brings us into 2016. Are you</p> <p>10 in the same rank now that you were when you finished</p> <p>11 your field training?</p> <p>12 A. I'm no longer a probationary police</p> <p>13 officer. I passed my probation year.</p> <p>14 Q. And that started around Christmas of</p> <p>15 2015?</p> <p>16 A. I came off probation in September of</p> <p>17 '16.</p> <p>18 Q. And your probation year starts when?</p> <p>19 A. The year you graduate from The Police</p> <p>20 Academy.</p> <p>21 Q. While you were a probation officer, who</p> <p>22 did you report in to?</p> <p>23 A. While I was on field training, I</p> <p>24 reported to the field trainers, and then after that</p> <p>25 it was you reported for your shift and basically</p>	<p>1 A. I know it was closer towards the end of</p> <p>2 the year.</p> <p>3 Q. End of 2016?</p> <p>4 A. Yes, approximately. Approximately</p> <p>5 three months from the end of the year.</p> <p>6 Q. Give or take September or October?</p> <p>7 A. Yes.</p> <p>8 Q. Have you ever been the subject of a</p> <p>9 civil complaint since you've been an officer?</p> <p>10 A. No.</p> <p>11 Q. Have you ever -- aside from the filing</p> <p>12 of this litigation, have you ever been -- has your</p> <p>13 police work ever been the subject of an</p> <p>14 investigation?</p> <p>15 A. No.</p> <p>16 Q. Have you -- strike that.</p> <p>17 Since you've been an officer, have you</p> <p>18 been evaluated?</p> <p>19 A. Yes.</p> <p>20 Q. Have you ever received a negative</p> <p>21 evaluation?</p> <p>22 A. No.</p> <p>23 Q. So you mentioned obviously some</p> <p>24 training during The Police Academy, and field</p> <p>25 training and some -- some continuing training or</p>

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<p>1 what I'll call continuing training since you</p> <p>2 finished field training. Did any of that training</p> <p>3 include background on wanteds?</p> <p>4 A. When the policy changed, it was</p> <p>5 included in the continuing education.</p> <p>6 Q. And by policy, what do you mean? What</p> <p>7 document are you referring to?</p> <p>8 A. The general order for wanteds.</p> <p>9 Q. Let's take a look at that. This will</p> <p>10 be -- make sure we're on the same page. I'm going</p> <p>11 to hand you what I'm marking as Exhibits 1 and 2.</p> <p>12 (Exhibits 1-2 were marked for</p> <p>13 identification.)</p> <p>14 BY MR. HOLLAND:</p> <p>15 Q. I'd ask you to take a look at those</p> <p>16 documents and let me know if you've -- if you</p> <p>17 recognize them. And here's a copy for Mr. Hughes.</p> <p>18 MR. HUGHES: Thank you. Officer, can</p> <p>19 you tell me which -- which one is Exhibit 1? Just</p> <p>20 give me the -- the Department General Order 15-26?</p> <p>21 THE WITNESS: 15-26 is Exhibit 2.</p> <p>22 MR. HOLLAND: I'll just clear the</p> <p>23 record. Exhibit 1 is dated July 15, 2015, and it</p> <p>24 contains Bates numbers in the lower right corner</p> <p>25 DEF-RFP234, five zeros -- or six zeros, excuse me,</p>	<p>1 seen the General Order 11-26 that it canceled or</p> <p>2 replaced?</p> <p>3 A. No.</p> <p>4 Q. Why don't I -- why don't I show it to</p> <p>5 you and you can let me know if you've seen it</p> <p>6 before.</p> <p>7 I'm marking as Exhibit 3, General Order</p> <p>8 11-26 dated -- dated September 13th, 2011, with</p> <p>9 Bates DEFRFP234, six zeros, 13.</p> <p>10 (Exhibit 3 was marked for</p> <p>11 identification.)</p> <p>12 MR. HOLLAND: Copy for Mr. Hughes.</p> <p>13 Q. So as you -- have you had a chance to</p> <p>14 look at the document?</p> <p>15 A. Yes.</p> <p>16 Q. Have you ever seen this document</p> <p>17 before?</p> <p>18 MR. HUGHES: My objection is</p> <p>19 repetitive. Asked and answered. You can answer.</p> <p>20 THE WITNESS: No.</p> <p>21 BY MR. HOLLAND:</p> <p>22 Q. Is it correct that this general order</p> <p>23 is the order that was canceled by the -- by</p> <p>24 Exhibit 1?</p> <p>25 A. Yes.</p>
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<p>1 and one seven. Exhibit 2 is dated September 14,</p> <p>2 2016, as Bates numbers in the lower right corner</p> <p>3 DEF-RFP234, six zeros, 22.</p> <p>4 Q. Do you recognize these documents?</p> <p>5 A. Yes.</p> <p>6 Q. Are these the policy general orders</p> <p>7 that you were referring to?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. So the July -- excuse me,</p> <p>10 Exhibit 1 is dated July 15, 2015, so that -- and if</p> <p>11 you look in the somewhat upper right corner, you can</p> <p>12 see that it says, "Cancels General Order 11-26,"</p> <p>13 correct?</p> <p>14 A. Yes.</p> <p>15 Q. So this document is dated July 15,</p> <p>16 2015, which would have been when you were in the</p> <p>17 academy; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. Do you recall this order coming into</p> <p>20 effect?</p> <p>21 A. Yes.</p> <p>22 Q. You started at the academy four months</p> <p>23 prior to this order coming into effect?</p> <p>24 A. Yes.</p> <p>25 Q. Are you -- were you -- have you ever</p>	<p>1 Q. Okay. And this order dated</p> <p>2 September 13th, 2011, Exhibit 3, would have been in</p> <p>3 effect up and until July 14th, 2015?</p> <p>4 A. Yes.</p> <p>5 Q. So during your four months of training</p> <p>6 leading up to July 15th, 2015, you were never shown</p> <p>7 this General Order 11-26?</p> <p>8 A. No. In the academy they don't cover</p> <p>9 general orders until much later, if they cover them.</p> <p>10 Because not everyone in your class is a department</p> <p>11 that works for St. Louis County, and these are only</p> <p>12 pertinent to St. Louis County police officers, not</p> <p>13 the municipalities.</p> <p>14 Q. Do you know about what time during a</p> <p>15 typical academy they start telling officers about</p> <p>16 the general orders in that -- that are the policies</p> <p>17 and procedures of the police department?</p> <p>18 A. I do not.</p> <p>19 Q. Is it your testimony that the standard</p> <p>20 time is more than four months after the training has</p> <p>21 begun -- excuse me, the academy has begun?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Let's -- let's take a look at</p> <p>24 Exhibits 1 and 2, which you said you have seen</p> <p>25 before. And I believe you mentioned that you</p>

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<p style="text-align: right;">Page 33</p> <p>1 received some training on these policies; is that</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. Can you tell me about the training</p> <p>5 focused on, I believe you said, wanteds related to</p> <p>6 these policies?</p> <p>7 A. In regards to the wanteds, you have to</p> <p>8 have probable cause before you can place anyone out</p> <p>9 wanted. That was the policy that was in effect</p> <p>10 until July 14th, 2015. And then the policy for</p> <p>11 that -- that went into effect September 14th of '16,</p> <p>12 that policy was basically amended to where you had</p> <p>13 to run it by your supervisor and have a supervisor's</p> <p>14 approval for the wanted.</p> <p>15 Q. Okay. And I think right now I'm</p> <p>16 focused on the trainings you received on these, but</p> <p>17 I believe you also just mentioned that you were</p> <p>18 trained or informed of the policy up until</p> <p>19 July 14th, 2015, that was in effect. Is that what</p> <p>20 you said?</p> <p>21 MR. HUGHES: I think you're misstating</p> <p>22 his testimony, but you can answer.</p> <p>23 MR. HOLLAND: Well, let me just read</p> <p>24 back.</p> <p>25 Q. It says, in regards to the wanteds, you</p>	<p style="text-align: right;">Page 35</p> <p>1 training, then they -- they constant -- field</p> <p>2 trainers constantly ask you questions about general</p> <p>3 orders and they expect you to know.</p> <p>4 Q. So there wasn't an in-class training on</p> <p>5 these policies?</p> <p>6 A. No.</p> <p>7 Q. Were you provided any materials and</p> <p>8 guidelines outside of what's in these documents?</p> <p>9 A. No.</p> <p>10 Q. So you were in the academy in</p> <p>11 July 2015. How did you come to know that the policy</p> <p>12 had changed?</p> <p>13 A. Some of our instructors in the academy</p> <p>14 were St. Louis County police officers, and they</p> <p>15 would tell you about changes that would affect the</p> <p>16 way that you do your job once you're out of the</p> <p>17 academy. They would tell you and then they would</p> <p>18 tell you the general order changed. You should read</p> <p>19 the new general order on it.</p> <p>20 Q. Do you recall the officers who told you</p> <p>21 this?</p> <p>22 A. I do not.</p> <p>23 Q. What did you, at that point, understand</p> <p>24 the policy to have been prior to this change?</p> <p>25 A. Prior --</p>
<p style="text-align: right;">Page 34</p> <p>1 have probable cause before you can place anyone out</p> <p>2 wanted. That was the policy that was in effect</p> <p>3 until July 14th, 2015. Is that your testimony?</p> <p>4 A. It's the same policy. Both the general</p> <p>5 orders you had to have probable cause to use a</p> <p>6 wanted. The only difference between the new policy</p> <p>7 and the old policy in regards to the wanteds, is</p> <p>8 that you had a supervisor's approval. But before</p> <p>9 you still had a supervisor's approval because they</p> <p>10 would read your reports, and if they had an issue</p> <p>11 with something, they would speak to you very quickly</p> <p>12 about if they had an issue with it.</p> <p>13 Q. And I guess I'm focused for now on --</p> <p>14 you said you received training on these. So what</p> <p>15 did that training involve? And we can start with</p> <p>16 Exhibit 1. July 15th, 2015, when were you trained</p> <p>17 on this policy?</p> <p>18 A. In the academy, the training on the</p> <p>19 policy was basically you read the policy, and that's</p> <p>20 your training in the academy on the policy. You --</p> <p>21 there's a lot that, in The Police Academy, you are</p> <p>22 expected to do at home. And one of those things is</p> <p>23 reading, especially when you're a county hire, you</p> <p>24 read a lot of the general orders on your own time.</p> <p>25 And then when you get to field</p>	<p style="text-align: right;">Page 36</p> <p>1 MR. HUGHES: If you know. That's all</p> <p>2 right.</p> <p>3 BY MR. HOLLAND:</p> <p>4 Q. Well, strike that.</p> <p>5 MR. HUGHES: Well, he said he hadn't</p> <p>6 read it, so ...</p> <p>7 MR. HOLLAND: Understood.</p> <p>8 Q. You just said -- or is it true that</p> <p>9 sometime around July 2015, officers told you that</p> <p>10 you should read the general order because the policy</p> <p>11 was changing?</p> <p>12 A. Correct.</p> <p>13 Q. Did they tell you -- what was your</p> <p>14 understanding of what the policy change was?</p> <p>15 A. For the policy change in 2015?</p> <p>16 Q. So maybe I can make this a little</p> <p>17 simpler. If we look at Exhibit 1, page 2, there is</p> <p>18 some bolded language, correct?</p> <p>19 A. Yes.</p> <p>20 Q. Did you understand that to be -- to</p> <p>21 represent the additions, the changes in policy?</p> <p>22 A. Yes.</p> <p>23 Q. Did you understand that to have not</p> <p>24 been within the policy prior to July 15, 2015?</p> <p>25 MR. HUGHES: Just object to the form of</p>

<p style="text-align: right;">Page 37</p> <p>1 the question as vague. Calls for speculation and 2 conjecture as to what you mean. 3 BY MR. HOLLAND: 4 Q. I'll go ahead and reask my question. 5 You were reviewing this as you were instructed to 6 do. You noticed that there was bolded language in 7 this -- on page 2 of this policy. You understood 8 that to be the changes to the policy. Do you agree 9 that that means you also understood those -- the 10 bolded language to not have been in the prior 11 policy? 12 A. I didn't know the prior policy. This 13 is the only -- the one of the policy -- the policy 14 of Exhibit 1 is the first policy I knew of St. Louis 15 County Police Department in regards to, this is the 16 way St. Louis County does things. 17 Prior to that, I did not have any law 18 enforcement experience with St. Louis County. This 19 is the only policy that I knew, and then now this is 20 the policy I follow. 21 Q. I totally understand that. My 22 question -- I guess my simple question is, what did 23 you understand the bolded language to mean? Why is 24 that language in bold? 25 A. The bold lettering is the change to the</p>	<p style="text-align: right;">Page 39</p> <p>1 A. No. 2 Q. Aside from reading the policy, how did 3 you become comfortable with the requirements within 4 the policy in terms of being able to issue a wanted 5 once you're out in the field? 6 A. After speaking with the field -- after 7 speaking with my field trainers, they -- field 8 trainers are essentially teachers, and they teach 9 you policy, how -- officer safety. They teach you 10 all these things that the academy teaches you, but 11 the field trainers fine-tune it and basically break 12 it down so that you can understand everything. 13 Q. What do you mean by field trainers 14 fine-tuning it? 15 MR. HUGHES: I think it's obvious, but 16 go ahead and answer. 17 MR. HOLLAND: I was just looking for 18 something more specific. 19 MR. HUGHES: All right. 20 THE WITNESS: They -- they go over it 21 more in depth. They -- instead of you sitting there 22 and reading it, you can ask them questions. If 23 you're not sure of something, they are the ones that 24 you are supposed to ask. You can -- you can ask 25 supervisors and you can ask lieutenants. You can</p>
<p style="text-align: right;">Page 38</p> <p>1 policy. 2 Q. And the bold language -- the change to 3 the policy in July 2015 was once the case officer 4 has determined probable cause exists that a person 5 has committed a crime, only the case officer shall 6 request wanted person entries. The case officer 7 will contact CARE or DCI ward -- excuse me, DCI word 8 processing and requesting a wanted entry on that 9 person. Did I read that correctly? 10 A. Yes. 11 Q. And in section B(1)(b), subset -- 12 subsection one, there is also an addition of the 13 language "probable cause" that the officer has to 14 have; is that correct? 15 A. Yes. 16 Q. So other than reading this policy, was 17 anybody -- did you have any communication with 18 anybody about how your job as a police officer would 19 change because of these changes to the policy -- or 20 strike that. 21 You were still in the academy at the 22 time, so your job as a police officer was just 23 beginning. Did any police officer talk to you about 24 how the job of a police officer out in the field 25 would change because of these changes?</p>	<p style="text-align: right;">Page 40</p> <p>1 ask pretty much anyone on the department, and they 2 can -- if you're not comfortable with something, you 3 can ask them and they can help you work it out. You 4 talk back and forth with them, and if you're seeing 5 something and you're wrong, they'll tell you and 6 they'll explain it so you know where you should be 7 with it. 8 BY MR. HOLLAND: 9 Q. Okay. Let's turn to the subject of 10 wanted. So you were -- as the July 2015 policy was 11 issued, you were in the academy and then in 12 September you started in the field. At that point 13 what was your understanding of a wanted? 14 A. My understanding of a wanted was -- 15 Q. And sorry to interrupt. I'm asking at 16 that point. So September 2015, not as you sit here 17 today. At that point what was your understanding of 18 a wanted? 19 A. My -- 20 MR. HUGHES: Just so -- you can answer, 21 but my objection is to form of the question as just 22 vague. Calls for speculation. But you can answer. 23 THE WITNESS: Can you ask your 24 question? 25 MR. HUGHES: She can read it. He can</p>

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<p>1 rephrase it if you want, or you can ask the court</p> <p>2 reporter to just read it back.</p> <p>3 THE WITNESS: Can you --</p> <p>4 MR. HUGHES: But if you want him to</p> <p>5 rephrase it.</p> <p>6 BY MR. HOLLAND:</p> <p>7 Q. I'll just rephrase it.</p> <p>8 MR. HUGHES: Okay. I mean, I think --</p> <p>9 I think -- and I don't know. Maybe I'm putting</p> <p>10 words in his mouth -- that my objection distracted</p> <p>11 him. So that's why I said you could ask the court</p> <p>12 reporter to reread it.</p> <p>13 BY MR. HOLLAND:</p> <p>14 Q. Let me ask this: Has your</p> <p>15 understanding of a wanted changed from</p> <p>16 September 2015 until the point we sit here today?</p> <p>17 A. No.</p> <p>18 Q. What is your understanding of a wanted?</p> <p>19 A. My understanding of a wanted is that</p> <p>20 you have to have probable cause before you can put</p> <p>21 anyone out as wanted.</p> <p>22 Q. Probable cause for what?</p> <p>23 A. Probable cause to believe that they</p> <p>24 were the one that committed the crime.</p> <p>25 Q. What is the purpose of entering a</p>	<p>1 MR. HOLLAND: There's no reason to</p> <p>2 interject. I'll reask the question.</p> <p>3 MR. HUGHES: Okay.</p> <p>4 BY MR. HOLLAND:</p> <p>5 Q. Once you have issued a wanted and</p> <p>6 you've spoken -- once you have spoken to the</p> <p>7 person -- strike that.</p> <p>8 Once you have spoken to the person who</p> <p>9 is the subject for the wanted, is there a reason to</p> <p>10 keep the wanted in place or issue the wanted at all?</p> <p>11 A. Once you've spoke to them?</p> <p>12 Q. Yes.</p> <p>13 A. Once you've spoke to them, it's</p> <p>14 canceled immediately.</p> <p>15 Q. How is it canceled?</p> <p>16 A. You call CARE and they type up a new</p> <p>17 teletype that cancels the wanted on them so that if</p> <p>18 they're ran through any police system, the wanted no</p> <p>19 longer shows.</p> <p>20 Q. Why do you issue a wanted instead of</p> <p>21 going to get a warrant for -- well, strike that.</p> <p>22 You issue a wanted to speak to a person</p> <p>23 and how do you go about -- strike that.</p> <p>24 You said that the purpose of showing a</p> <p>25 wanted is to speak to the person who is wanted. The</p>
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<p>1 wanted?</p> <p>2 A. The purpose of entering a wanted is to</p> <p>3 be able to speak with the person that was involved</p> <p>4 in the case to see -- to give -- to give them their</p> <p>5 opportunity to say what happened.</p> <p>6 Q. And by the person involved in the case,</p> <p>7 you mean the suspect?</p> <p>8 A. Correct.</p> <p>9 Q. Is there a purpose for a wanted once</p> <p>10 you've spoken to a person who is the wanted?</p> <p>11 MR. HUGHES: I'd just object to the</p> <p>12 form. I think it's a little confusing and</p> <p>13 ambiguous.</p> <p>14 MR. HOLLAND: I'll rephrase.</p> <p>15 Q. So you've said that the purpose of a</p> <p>16 wanted is to speak to the person involved in this</p> <p>17 case who you have said is the wanted. Once you have</p> <p>18 spoken to the person, is there a need for the wanted</p> <p>19 to remain?</p> <p>20 MR. HUGHES: Once he has spoken to the</p> <p>21 person -- to the suspect in person? Is that what</p> <p>22 you mean?</p> <p>23 MR. HOLLAND: Mike, I asked a simple</p> <p>24 question.</p> <p>25 MR. HUGHES: Okay.</p>	<p>1 way that the -- that is -- that that occurs is that</p> <p>2 the person -- the hope of the wanted is that the</p> <p>3 person will be arrested and brought in so that you</p> <p>4 can have that opportunity. Is that accurate?</p> <p>5 A. It's to afford them the opportunity to</p> <p>6 either speak on what had happened or to not speak.</p> <p>7 That way you can issue them a summons or let them</p> <p>8 know I will be applying through the County Counselor</p> <p>9 or the State Prosecuting Attorney's Office.</p> <p>10 Q. At the point that you issue a wanted,</p> <p>11 do you believe that the person should be arrested</p> <p>12 for the offense?</p> <p>13 MR. HUGHES: My only objection it's</p> <p>14 been answered already, but go ahead.</p> <p>15 THE WITNESS: Could you read that back?</p> <p>16 BY MR. HOLLAND:</p> <p>17 Q. I'll rephrase. When you issue a wanted</p> <p>18 or enter it into the system, have you reached the</p> <p>19 point in your investigation where you believe the</p> <p>20 person should be arrested for the offense?</p> <p>21 A. Repeat that back one more time.</p> <p>22 Q. Sure. No problem. So you -- you have</p> <p>23 reached the point in your investigation where you</p> <p>24 want to enter a wanted into the system for John Doe.</p> <p>25 At that point do you believe John Doe should be</p>

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<p>1 arrested for the offense, taken into custody?</p> <p>2 A. Yes.</p> <p>3 Q. Why issue the wanted instead of going</p> <p>4 to the prosecutor's office and obtaining an arrest</p> <p>5 warrant?</p> <p>6 A. Because the County Counselor's Office</p> <p>7 or the PA's Office usually won't even -- on the</p> <p>8 smaller cases, won't look at them unless the person</p> <p>9 has been afforded the opportunity to voice their</p> <p>10 side of the allegation.</p> <p>11 Q. Just for clarification, what do you</p> <p>12 mean by PA's Office?</p> <p>13 A. Prosecuting Attorney's Office.</p> <p>14 Q. Who -- strike that.</p> <p>15 Have you ever gone to the prosecutor's</p> <p>16 office and had them -- or the PA's Office and had</p> <p>17 them tell you that you need to first make -- speak</p> <p>18 with the suspect before they would issue a -- an</p> <p>19 arrest warrant?</p> <p>20 A. Repeat that. Could you repeat that?</p> <p>21 Q. Yes, of course. Have you -- so you</p> <p>22 just said that one of the reasons why you would</p> <p>23 issue a wanted instead of going to seek an arrest</p> <p>24 warrant at the prosecutor or PA's Office is because</p> <p>25 the prosecutor's office would tell you, especially</p>	<p>1 without talking to the suspect. You said that you</p> <p>2 haven't personally been told that by the prosecutor</p> <p>3 or PA's Office. Have you personally been told that</p> <p>4 by a supervisor?</p> <p>5 A. No.</p> <p>6 Q. Have you been told that by other</p> <p>7 officers?</p> <p>8 A. Could you repeat that one more time?</p> <p>9 Q. Yes. You -- so what we're talking</p> <p>10 about is how you came to know that instead of</p> <p>11 issuing, entering a wanted that will subject the</p> <p>12 person to a custodial arrest to -- for communication</p> <p>13 purposes, you -- it is not worth going down to the</p> <p>14 prosecutor or PA's Office to obtain a warrant</p> <p>15 because you would be -- they would not issue one</p> <p>16 without you first communicating with the suspect and</p> <p>17 we're -- we're trying to find out -- or I'm trying</p> <p>18 to find out how you came to understand that to be</p> <p>19 the case. And you said the PA's, prosecutor's</p> <p>20 office, did not tell you that, a supervisor has not</p> <p>21 told you that, so I'm just -- who told you that?</p> <p>22 A. Other officers.</p> <p>23 Q. Do you know who it was?</p> <p>24 A. No.</p> <p>25 Q. So you said earlier that the purpose of</p>
Page 46	Page 48
<p>1 in smaller cases, that they will not even entertain</p> <p>2 or provide a warrant without giving the suspect an</p> <p>3 opportunity to communicate their side of the story?</p> <p>4 A. Correct.</p> <p>5 Q. Have you ever done that and been told</p> <p>6 go talk to the person first before I'm going to give</p> <p>7 you an arrest warrant personally?</p> <p>8 A. No, because most of the time you have</p> <p>9 to get approval from a supervisor to talk to them</p> <p>10 about -- I mean, most supervisors won't let you go</p> <p>11 down to the County Counselor's Prosecuting</p> <p>12 Attorney's Office because it will take you -- you</p> <p>13 could spend three hours there for an answer that</p> <p>14 basically you already knew was going to happen.</p> <p>15 Q. So have you had supervisors told you to</p> <p>16 go talk to a suspect first rather than going to the</p> <p>17 prosecutor's office?</p> <p>18 A. Most of the time it's -- if you haven't</p> <p>19 talked to them, they're not going to allow you to</p> <p>20 send it off to the County Counselor or the state's</p> <p>21 prosecuting attorney without having once talked to</p> <p>22 them.</p> <p>23 Q. I'm just trying to understand how you</p> <p>24 personally know that the prosecutor's office won't</p> <p>25 entertain your application for an arrest warrant</p>	<p>1 entering a wanted is to give the suspect an</p> <p>2 opportunity to communicate with the officer before</p> <p>3 you pursue a warrant. Who told you that that is the</p> <p>4 purpose of entering a wanted?</p> <p>5 A. I'm not sure.</p> <p>6 Q. Maybe it will help if -- if you could</p> <p>7 walk me through your understanding of the wanted</p> <p>8 process. So you receive a -- a dispatch and there</p> <p>9 is an allegation made against John Doe. From that</p> <p>10 point, what needs to happen before you enter a</p> <p>11 wanted into the system for John Doe?</p> <p>12 A. What's the allegation against him?</p> <p>13 Q. The allegation is that he assaulted his</p> <p>14 neighbor.</p> <p>15 A. The victim statement and a third -- a</p> <p>16 third party's account of the incident.</p> <p>17 Q. Third party's account of the incident,</p> <p>18 what does that involve?</p> <p>19 A. Someone who witnessed it who is not --</p> <p>20 someone who witnessed the incident who is not taking</p> <p>21 a side of this person over this person. Basically,</p> <p>22 to them it doesn't matter -- it doesn't matter who</p> <p>23 assaulted who. It's this is what I saw. This is</p> <p>24 what happened.</p> <p>25 Q. They're --</p>

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<p>1 A. They're an independent witness.</p> <p>2 They're not for this person; they're not for this</p> <p>3 person. They're just middle and had observed it.</p> <p>4 Q. An eyewitness account?</p> <p>5 A. Yeah.</p> <p>6 Q. And at that point you would believe you</p> <p>7 have probable cause to issue a wanted?</p> <p>8 A. Based on the evidence and a third</p> <p>9 party's eyewitness.</p> <p>10 Q. Would you do anything else before</p> <p>11 entering the wanted?</p> <p>12 A. I would -- now, before I would enter a</p> <p>13 wanted, I would speak with a supervisor and verify</p> <p>14 that I have enough and -- to make sure that I'm --</p> <p>15 I'm good with my probable cause.</p> <p>16 Q. And prior to September 2016, what would</p> <p>17 you do?</p> <p>18 A. Prior to September of 2016? Most of</p> <p>19 the time I still -- if I questioned something, I</p> <p>20 would run it by my supervisor first.</p> <p>21 Q. If you thought you didn't have any</p> <p>22 reason to question something, you would not speak to</p> <p>23 your supervisor?</p> <p>24 A. When I was with a field trainer, I</p> <p>25 would speak with the field trainer about it. After</p>	<p>1 for John Doe prior to Exhibit 2 coming into effect?</p> <p>2 What did you do at that point to get the wanted into</p> <p>3 the system?</p> <p>4 A. Well, while I was on field training, I</p> <p>5 would ask the field -- I would talk it over with the</p> <p>6 field trainer, and if he said you have enough</p> <p>7 probable cause, you can enter a wanted. I would</p> <p>8 enter a wanted. From -- and then so basically</p> <p>9 Christmas of '15 to September of '16, if I had</p> <p>10 questions on something, I still talked to a</p> <p>11 supervisor about it.</p> <p>12 Q. And my question -- my next question is</p> <p>13 about the technical details. What do you do?</p> <p>14 You're on the scene -- what do you do to get the</p> <p>15 wanted into the system?</p> <p>16 A. You would call CARE.</p> <p>17 Q. And what is CARE?</p> <p>18 A. Computer Automated Report Entry, and</p> <p>19 you would call them and then you would go through</p> <p>20 the beginning parts of the report, where you were,</p> <p>21 what time you got there, who was involved, your</p> <p>22 suspect, your victim, your witnesses, and then you</p> <p>23 would tell her, I need to put John Doe out as wanted</p> <p>24 for this charge, and they would send a teletype and</p> <p>25 that would show in the system, and then it would be,</p>
Page 50	Page 52
<p>1 I got off field training, it was told to me by quite</p> <p>2 a few supervisors and lieutenants, if you have a</p> <p>3 question, ask. You're still new, you're still</p> <p>4 learning, and you'll be learning for the first few</p> <p>5 years, so don't be afraid to ask a question.</p> <p>6 Q. Okay. So you're at the point where you</p> <p>7 determined that you have probable cause and would</p> <p>8 like to enter a wanted for John Doe. I've never</p> <p>9 been on that scenario. What do you do to make that</p> <p>10 happen?</p> <p>11 A. To enter a wanted?</p> <p>12 Q. Yeah.</p> <p>13 A. Typically, the way I do it is I usually</p> <p>14 go -- respond to wherever my supervisor -- after I</p> <p>15 clear from the call, I respond to wherever my</p> <p>16 supervisor is and I talk to him face-to-face, give</p> <p>17 him -- tell him what happened with the case, how --</p> <p>18 how the suspect was identified, and --</p> <p>19 Q. Can I stop you for a second? I'm</p> <p>20 sorry. This is my fault. I guess what I'm more</p> <p>21 interested in is, prior to September 2016, what</p> <p>22 would you have done in our scenario, our</p> <p>23 hypothetical where you've determined John Doe is --</p> <p>24 you believe you have probable cause that John Doe</p> <p>25 committed assault, and you wanted to enter a wanted</p>	<p>1 contact Officer Partin upon arrest.</p> <p>2 Q. And as you're on the phone or the radio</p> <p>3 with CARE, are you providing this information from</p> <p>4 your head or have you been taking notes and --</p> <p>5 A. From notes.</p> <p>6 Q. Do you typically keep those notes?</p> <p>7 A. No.</p> <p>8 Q. Do you typically keep those notes for</p> <p>9 the life of an investigation?</p> <p>10 A. No.</p> <p>11 Q. Do you typically discard those notes</p> <p>12 the same day?</p> <p>13 A. No.</p> <p>14 Q. How -- how long do you maintain notes</p> <p>15 from a call that leads to a wanted?</p> <p>16 A. From a call that leads to a wanted?</p> <p>17 Q. Or excuse me -- strike that.</p> <p>18 How long do you keep notes from your</p> <p>19 investigation of an incident that leads to a wanted?</p> <p>20 A. Until the case is cleared. By cleared,</p> <p>21 I mean he's either issued a -- he's either issued a</p> <p>22 summons or the report is forwarded to the County</p> <p>23 Counselor, or I mean, when the report is approved,</p> <p>24 if it's going to be like a warrant application.</p> <p>25 Q. Okay. So you have entered the wanted</p>

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<p>1 into the system. What do you do next?</p> <p>2 A. If --</p> <p>3 MR. HUGHES: I just object to the form</p> <p>4 of the question. I mean, maybe it's being too</p> <p>5 technical, but I think he testified the CARE clerk</p> <p>6 enters it and --</p> <p>7 MR. HOLLAND: You're right, Mike.</p> <p>8 You're right. I'll rephrase to be accurate.</p> <p>9 Q. So you have the CARE person send out</p> <p>10 the teletype that John Doe is wanted. Let me ask</p> <p>11 you, if you are familiar with John Doe, would you do</p> <p>12 any of your own attempts to contact John Doe prior</p> <p>13 to entering the wanted?</p> <p>14 A. Yes.</p> <p>15 Q. What would you do?</p> <p>16 A. If his -- so if it happened at like a</p> <p>17 business and, you know, I would -- and we knew who</p> <p>18 he was and where he lived, I would swing by the</p> <p>19 house and try and talk to him there. I would look</p> <p>20 up phone numbers to see if I could get ahold of him,</p> <p>21 but ...</p> <p>22 Q. So in our scenario, John Doe assaulted</p> <p>23 his neighbor. You arrive on the scene, you gather</p> <p>24 as much information as you can about the victim,</p> <p>25 about the suspect. You learn that the suspect lives</p>	<p>1 Prosecuting Attorney's Office, you have summonses</p> <p>2 for a reason. The Prosecuting Attorney's Office is</p> <p>3 dealing with other cases. Simple stuff, you don't</p> <p>4 want to send off to the PA's Office because it will</p> <p>5 sit there because they've got other more pressing</p> <p>6 issues.</p> <p>7 The County Counselor, they have other</p> <p>8 pressing issues. The simpler stuff, they prefer</p> <p>9 that you issue summons and let them go to night</p> <p>10 court and deal with it there as opposed to tying up</p> <p>11 the already overworked County Counselors and PA's</p> <p>12 Office.</p> <p>13 MR. HOLLAND: Do you want to take a</p> <p>14 quick break?</p> <p>15 MR. HUGHES: Sure.</p> <p>16 MR. HOLLAND: It's been about an hour.</p> <p>17 THE VIDEOGRAPHER: The time is 10:37.</p> <p>18 We are off the record.</p> <p>19 (Recess taken.)</p> <p>20 THE VIDEOGRAPHER: The time is 10:55.</p> <p>21 We are back on the record.</p> <p>22 BY MR. HOLLAND:</p> <p>23 Q. Officer Partin, I just want to revisit</p> <p>24 a few things we discussed prior to taking a break,</p> <p>25 focusing in on interactions or things you understand</p>
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<p>1 next door. Prior to entering the wanted, you might</p> <p>2 try to talk to the person first, right?</p> <p>3 A. Yes.</p> <p>4 Q. And when do you deem that unsuccessful</p> <p>5 in terms of, okay, I've tried to contact this</p> <p>6 person; I now need to enter the wanted?</p> <p>7 A. Usually it's before the end of the</p> <p>8 shift.</p> <p>9 Q. Okay. So back to the question which I</p> <p>10 did not ask too well a moment ago. You have CARE</p> <p>11 enter the wanted. It is in the system. It is sent</p> <p>12 out to other St. Louis County police officers? What</p> <p>13 do you do next?</p> <p>14 A. You can conduct follow-ups. You can --</p> <p>15 I mean, if his home is in the area where you work,</p> <p>16 you can swing by, see if the car that he's known to</p> <p>17 drive is there. If it's not there, you can get out</p> <p>18 and knock on the door. Just basically conduct</p> <p>19 follow-ups.</p> <p>20 Q. And during this time period, you are</p> <p>21 not pursuing an arrest warrant or trying to obtain</p> <p>22 one from the prosecutors or PA's Office because of</p> <p>23 the policy that you first needed to give the suspect</p> <p>24 an opportunity to communicate, correct?</p> <p>25 A. That, and the PA's Office, the</p>	<p>1 to be the case involving the prosecutor's -- the</p> <p>2 PA's Office, as you called it. You also mentioned</p> <p>3 the counselor's office being involved; is that</p> <p>4 correct?</p> <p>5 A. In what aspect?</p> <p>6 Q. I believe you said that the County</p> <p>7 Counselor Office plays a role or kind of directs you</p> <p>8 not to take small stuff to the prosecutor's office;</p> <p>9 is that correct?</p> <p>10 A. No, it's not the counselor's office</p> <p>11 that directs it.</p> <p>12 Q. Who is it?</p> <p>13 A. It's not them that directs it. It's</p> <p>14 kind of told among officers.</p> <p>15 Q. Told among officers what?</p> <p>16 A. Just you're better off to give the</p> <p>17 suspect an opportunity to speak in regards to the</p> <p>18 incident before you proceed so that the County</p> <p>19 Counselor can -- or State Prosecuting Attorney's</p> <p>20 Office can make the best decision.</p> <p>21 Q. And just the involvement there of the</p> <p>22 County Counselor, when would they be involved? When</p> <p>23 would you go to the County Counselor's Office</p> <p>24 instead of the PA's Office?</p> <p>25 A. Usually all felonies go straight to the</p>

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<p>1 PA's Office. The lesser crimes go to the County</p> <p>2 Counselor's Office.</p> <p>3 Q. Can you be more specific with the --</p> <p>4 with the separation there, lesser crimes versus</p> <p>5 higher crimes?</p> <p>6 A. Murder, domestic assault first,</p> <p>7 robbery, that type of stuff would go to the PA's</p> <p>8 Office. County Counselor, endangering the welfare</p> <p>9 of a child, drug charges.</p> <p>10 Q. And your understanding is, whether you</p> <p>11 have lesser crimes or higher crimes -- whether you</p> <p>12 have to go to the PA's Office or the County</p> <p>13 Counselor's Office, your understanding is that the</p> <p>14 practice that you should undertake is to first speak</p> <p>15 with the suspect prior to going to either of those</p> <p>16 offices?</p> <p>17 A. Yes.</p> <p>18 Q. And you said earlier that other</p> <p>19 officers told you that this was the practice?</p> <p>20 A. Yeah.</p> <p>21 Q. What exactly did they tell you?</p> <p>22 A. That you're better off to talk to the</p> <p>23 suspect before you pass it along because it just</p> <p>24 gives them an idea of what, you know -- most things</p> <p>25 are he said/she said. Not everything is clearcut</p>	<p>1 you're the victim, I'm getting one side of the</p> <p>2 story. Now you could be -- you could be telling the</p> <p>3 whole truth and there could be -- there could be</p> <p>4 some truth, so some of what you're saying could be</p> <p>5 true; some of what you're saying may not be.</p> <p>6 But until I talk to the other party</p> <p>7 involved and get their side of what's going on,</p> <p>8 it's, you know -- you take what they say, and then</p> <p>9 you talk to the suspect, and then you put into what</p> <p>10 they say, and then you look at the differences. You</p> <p>11 know, if you're saying that the pen is blue --</p> <p>12 blue-green and he's saying, well, maybe it's more</p> <p>13 blue than it is green, you've got to give everyone</p> <p>14 their opportunity to give their argument of the side</p> <p>15 before you go any further.</p> <p>16 Q. And the way to get the suspect's side</p> <p>17 of the story is to enter the wanted?</p> <p>18 A. To speak to him.</p> <p>19 Q. The way to get the suspect's story is</p> <p>20 to enter the wanted?</p> <p>21 MR. HUGHES: Objection. Asked and</p> <p>22 answered. Repetitive.</p> <p>23 MR. HOLLAND: I don't think he answered</p> <p>24 the question.</p> <p>25 MR. HUGHES: I think he did, but I made</p>
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<p>1 and dry like that, so you want to give everyone</p> <p>2 their opportunity to speak before you pass it along</p> <p>3 because that could be the difference between, you</p> <p>4 know, actually being something to not being</p> <p>5 something.</p> <p>6 Q. So what they told you was to -- you</p> <p>7 know, in order to further your investigation and</p> <p>8 make sure you have enough to take to the County</p> <p>9 Counselor or PA, you should -- you should issue the</p> <p>10 wanted and speak with the person?</p> <p>11 A. If you have enough information to -- if</p> <p>12 you have enough probable cause to put someone out</p> <p>13 wanted, put them out wanted. If you don't, continue</p> <p>14 with your investigation until either you have enough</p> <p>15 evidence of probable cause -- and probable cause to</p> <p>16 do so or you just have to inactivate the case.</p> <p>17 Q. Sorry. Maybe you didn't understand my</p> <p>18 question, and that could be my fault. So you said</p> <p>19 that what these other officers told you was before</p> <p>20 going to the PA's Office or the County Counselor's</p> <p>21 Office, you want to give the other person an</p> <p>22 opportunity to talk to them because maybe there's</p> <p>23 nothing there; is that accurate?</p> <p>24 A. There's always two sides to every</p> <p>25 story. And if I'm talking to you, you're -- and</p>	<p>1 my objection. Go ahead.</p> <p>2 BY MR. HOLLAND:</p> <p>3 Q. The way to -- so what you're saying</p> <p>4 here is you speak to the victim in this</p> <p>5 hypothetical. Get their side of the story. Before</p> <p>6 going to the PA's Office or the County Counselor's</p> <p>7 Office, your understanding, based on what officers</p> <p>8 have told you, is that the practice is to hear the</p> <p>9 other side of the story from the suspect. The way</p> <p>10 you do that is by issuing a wanted; is that</p> <p>11 accurate?</p> <p>12 A. You don't have to -- could you repeat</p> <p>13 that one more time?</p> <p>14 MR. HOLLAND: Can you read back the</p> <p>15 question, please.</p> <p>16 (Record read by the reporter.)</p> <p>17 THE WITNESS: It's one way.</p> <p>18 BY MR. HOLLAND:</p> <p>19 Q. What is your definition of "probable</p> <p>20 cause"? Better way to ask that is, how would you</p> <p>21 define "probable cause"?</p> <p>22 A. Have enough reason to believe that they</p> <p>23 were the one that committed the crime.</p> <p>24 Q. How did you learn that? How did you</p> <p>25 come to have that understanding that that's the</p>

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<p>1 definition of probable cause?</p> <p>2 A. Through the academy. Through field</p> <p>3 training.</p> <p>4 Q. Did someone tell you that or was it in</p> <p>5 a document that you read?</p> <p>6 A. It's with what you read in the academy,</p> <p>7 constitutional law.</p> <p>8 Q. Were you told anything else about</p> <p>9 probable cause other than that definition?</p> <p>10 A. There's a lot about probable cause. If</p> <p>11 you reasonably believe and have knowledge from --</p> <p>12 you know, in regards to this instance, if you have</p> <p>13 the victim, what she's saying matches what you have,</p> <p>14 plus you have an independent third-party witness</p> <p>15 that says this is what happened, you can put two and</p> <p>16 two together and you can see here's my probable</p> <p>17 cause. I can clearly see this happened to this</p> <p>18 extent.</p> <p>19 Q. And the -- so related to that, you</p> <p>20 believe you have probable cause and you said earlier</p> <p>21 that instead of going to the County Counselor's</p> <p>22 Office or PA's Office, you enter the wanted. So I</p> <p>23 guess what I want to ask you about is what is your</p> <p>24 understanding of the requirements of the PA's Office</p> <p>25 or the County Counselor's Office in issuing a -- an</p>	<p>1 your part that you need to speak with the suspect</p> <p>2 before obtaining an arrest warrant from the</p> <p>3 prosecutor's office or the County Counselor's</p> <p>4 Office, why would you issue a wanted?</p> <p>5 A. Because I want to know the whole -- I</p> <p>6 want to know the whole story before I present the</p> <p>7 case to them. It does me no good if I present them</p> <p>8 half the case before trying to get a warrant.</p> <p>9 Q. So you -- sorry.</p> <p>10 A. You don't -- there's no point in taking</p> <p>11 a case to them if you don't have the whole story.</p> <p>12 If I give you half the story, something could be</p> <p>13 missed, something could be overlooked, something</p> <p>14 could get thrown out. I try to present the best</p> <p>15 case I can to them and let them make their decision,</p> <p>16 and by presenting the best case I can to them, I</p> <p>17 need to know what the victim says, what the suspect</p> <p>18 says, and then let them figure out who's right and</p> <p>19 who's wrong. That's ...</p> <p>20 Q. So you entered wanteds knowing half the</p> <p>21 story?</p> <p>22 MR. HUGHES: Objection. It's</p> <p>23 argumentative. Object to the form of the question.</p> <p>24 And it misstates his testimony and only states half</p> <p>25 of what he said, not even half. A word of what he</p>
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<p>1 arrest warrant? What is needed for them to do that?</p> <p>2 A. Probable cause.</p> <p>3 Q. Anything else?</p> <p>4 A. Enough evidence to support that</p> <p>5 probable cause.</p> <p>6 Q. And you said it's your understanding</p> <p>7 that they also have this policy of requiring you to</p> <p>8 communicate with the suspect?</p> <p>9 A. I don't know if they have a policy for</p> <p>10 that. This is -- this is officers talking. This</p> <p>11 isn't a directive from the PA's Office or the County</p> <p>12 Counselor's Office.</p> <p>13 Q. So is it your understanding that</p> <p>14 there's no difference between the requirements of</p> <p>15 getting a warrant and entering a wanted?</p> <p>16 A. Except the practice and department</p> <p>17 policy says that you'll -- if you have enough</p> <p>18 probable cause, you'll enter someone as wanted,</p> <p>19 speak with them before you proceed.</p> <p>20 Q. If you didn't have this understanding</p> <p>21 from other officers that you should first try to</p> <p>22 communicate with the suspect before pursuing a</p> <p>23 warrant, would you ever issue a wanted?</p> <p>24 A. If I have enough probable cause, yes.</p> <p>25 Q. If there wasn't this understanding on</p>	<p>1 said in his full answer.</p> <p>2 MR. HOLLAND: Objection to form is</p> <p>3 fine.</p> <p>4 Q. But he -- so you said that one of the</p> <p>5 reasons why you would continue to issue wanteds even</p> <p>6 if this understanding of yours that you -- that</p> <p>7 that's what the PA and County Counselor's Office</p> <p>8 prefer is because you want to complete your</p> <p>9 investigation, and you said that you don't want to</p> <p>10 present them with half the story; is that accurate?</p> <p>11 A. Yes.</p> <p>12 Q. So in those instances, you would enter</p> <p>13 a wanted?</p> <p>14 A. If I had enough probable cause.</p> <p>15 Q. So you mentioned earlier that -- excuse</p> <p>16 me -- once you enter the wanted, your practice is to</p> <p>17 thereafter conduct follow-up?</p> <p>18 A. Yes.</p> <p>19 Q. Can you describe that in more detail?</p> <p>20 A. If I know where they live, I -- and I</p> <p>21 know, you know, what they drive, swing by their</p> <p>22 house. If their car is there, knock on the door.</p> <p>23 If the car is not there, but, you know, still knock</p> <p>24 on the door, try to talk to them. That way the</p> <p>25 wanted doesn't have to sit out there longer than</p>

<p style="text-align: right;">Page 65</p> <p>1 necessary.</p> <p>2 Q. And at what point during this follow-up</p> <p>3 would you cancel the wanted?</p> <p>4 A. When I know the whole entire story.</p> <p>5 When I -- I would cancel the wanted once either, you</p> <p>6 know, I can't go any further with it. I've tried</p> <p>7 finding it. I've, you know -- in this instance, he</p> <p>8 presents himself to me, says, I'm not going to talk.</p> <p>9 Okay. Well, but I want to see it face-to-face.</p> <p>10 That way, when I hand you the paperwork or a summons</p> <p>11 or to let you know what's going on, that's how I</p> <p>12 know, okay, this is -- this is what I'm sending off</p> <p>13 to the County Counselor. This is what's going to</p> <p>14 night court.</p> <p>15 If you don't want to talk, you don't</p> <p>16 have to talk. You have that right. But I wanted to</p> <p>17 afford you that right to speak with me. That way</p> <p>18 they can have your side, his side, and then we can</p> <p>19 be done with it.</p> <p>20 Q. And if you, either prior to entering</p> <p>21 the wanted or during your follow-up, you speak to</p> <p>22 the suspect and they tell you they will not speak to</p> <p>23 you, they have no interest in talking to you about</p> <p>24 this subject matter, would you issue a wanted at</p> <p>25 that point?</p>	<p style="text-align: right;">Page 67</p> <p>1 communicate their side of the story; is that</p> <p>2 accurate?</p> <p>3 A. Yes.</p> <p>4 Q. If that suspect tells you they will not</p> <p>5 talk to you about this case, what is the purpose for</p> <p>6 entering that wanted?</p> <p>7 A. If I spoke to you over the phone, just</p> <p>8 because you say you're John Smith, does not mean you</p> <p>9 are John Smith. Until I have you in front of me and</p> <p>10 I can see, okay, yeah, you are John Smith, that --</p> <p>11 that is how I know, okay, you are -- you are John</p> <p>12 Smith and you are saying I'm not going to talk to</p> <p>13 you.</p> <p>14 Your friend could say, yeah, I'm John</p> <p>15 Smith and I'm not going to talk to you, I have --</p> <p>16 over the phone I have no way of verifying that you</p> <p>17 are John Smith and that I am actually talking to</p> <p>18 John Smith until you are in front of me. That's --</p> <p>19 Q. Is that your personal policy or did</p> <p>20 somebody tell you that that's how you should</p> <p>21 practice your police work?</p> <p>22 A. That's me.</p> <p>23 Q. So in that scenario, if you have no</p> <p>24 doubt that the person you're speaking to is who</p> <p>25 you're speaking to, would there then be any need to</p>
<p style="text-align: right;">Page 66</p> <p>1 MR. HUGHES: Well, excuse me. I'd just</p> <p>2 object to the form of the question. I object to the</p> <p>3 form of the question. It's vague as to facts and</p> <p>4 calls for speculation and conjecture as to whether</p> <p>5 or not you're asking if he's speaking to someone in</p> <p>6 person face-to-face.</p> <p>7 BY MR. HOLLAND:</p> <p>8 Q. I'm just asking a simple question about</p> <p>9 speaking with the witness. We can --</p> <p>10 MR. HUGHES: Speaking to a witness on</p> <p>11 the phone? Speaking to the witness in person?</p> <p>12 BY MR. HOLLAND:</p> <p>13 Q. Prior to issuing a wanted, if you spoke</p> <p>14 to the suspect and they told you that they have no</p> <p>15 interest in talking to you, they will not speak to</p> <p>16 you, whether themselves or with an attorney present,</p> <p>17 would you still enter a wanted?</p> <p>18 MR. HUGHES: Same objection as before.</p> <p>19 THE WITNESS: Can you read that back?</p> <p>20 (Record read by the reporter.)</p> <p>21 THE WITNESS: If I had enough probable</p> <p>22 cause, yes.</p> <p>23 BY MR. HOLLAND:</p> <p>24 Q. Your testimony today has been that the</p> <p>25 purpose of the wanted is to allow the suspect to</p>	<p style="text-align: right;">Page 68</p> <p>1 show a wanted?</p> <p>2 A. There's always doubt, because if I've</p> <p>3 never dealt with you before and I don't know your</p> <p>4 voice, and I'm not a professional on voices, I can't</p> <p>5 tell you from my uncle. I mean, there's no --</p> <p>6 there's no way to distinguish that I'm actually</p> <p>7 speaking to who I want to speak to.</p> <p>8 Q. So until you -- your personal practice</p> <p>9 is that until you meet with this person</p> <p>10 face-to-face, the wanted -- the wanted needs to</p> <p>11 remain in place?</p> <p>12 A. As long as I have probable cause, yes.</p> <p>13 Q. And during your follow-up, if you</p> <p>14 encounter this person at their house, would you</p> <p>15 arrest them pursuant to the warrant -- wanted?</p> <p>16 A. If I -- if I -- if I pull up to your</p> <p>17 house, knock on the door, you answer and you talk to</p> <p>18 me, it -- I mean, if you don't have warrants, I</p> <p>19 don't have -- I don't need to take you in on the</p> <p>20 wanted. I can -- basically, right there I can do</p> <p>21 everything I need to do without taking you in, and I</p> <p>22 can get rid of the wanted just the same as if you go</p> <p>23 to intake.</p> <p>24 Q. So today your testimony has kind of</p> <p>25 framed wanteds as -- the purpose of wanteds as</p>

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<p>1 providing a suspect with an opportunity to tell</p> <p>2 their side of the story; is that accurate?</p> <p>3 A. Yes.</p> <p>4 Q. So does that seem -- to you is that</p> <p>5 something that that person should be arrested for?</p> <p>6 MR. HUGHES: You know, he's given you</p> <p>7 that answer multiple times, so I'd just object.</p> <p>8 Asked and answered.</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. I'll reask it. I believe earlier I</p> <p>11 asked you whether a person on a wanted you felt --</p> <p>12 you feel they should be arrested. What I'm asking</p> <p>13 you is whether you think providing the suspect with</p> <p>14 an opportunity to tell their side of the story is</p> <p>15 a -- an appropriate basis for arrest.</p> <p>16 A. If they're not in front of me and it's</p> <p>17 someone else arresting them, then, yes. If I'm not</p> <p>18 speaking to them, if I have not spoken to them and</p> <p>19 it's a different officer arresting them, then, yes,</p> <p>20 it would be reason to arrest them.</p> <p>21 But as far as if the person that has</p> <p>22 the wanted is standing in front of me, there's no</p> <p>23 need to -- I mean, I can talk to you in a -- in an</p> <p>24 open room or I can talk -- you know, there's no</p> <p>25 point in causing more work and headache for your --</p>	<p>1 A. After I've issued?</p> <p>2 Q. Correct.</p> <p>3 A. After I've issued a wanted?</p> <p>4 Q. Correct.</p> <p>5 A. At their home, no. On the street, yes.</p> <p>6 Q. Can you describe what happened in that</p> <p>7 situation?</p> <p>8 A. I had a road rage incident that had</p> <p>9 happened on Lindbergh. I had a perfect description</p> <p>10 of the vehicle and a license plate. I went by the</p> <p>11 house numerous times. I sent other officers by the</p> <p>12 house numerous times, and the guy claimed that it</p> <p>13 was his brother who had possession of the truck.</p> <p>14 And the house that we had gone to, the brother did</p> <p>15 not live at and the person at the house was very</p> <p>16 uncooperative.</p> <p>17 One day I just so happened to see a</p> <p>18 vehicle matching my case description that had no</p> <p>19 license plates on it, and I stopped it and he</p> <p>20 identified himself, and it just so happened to be</p> <p>21 the vehicle that I had out wanted. He was not</p> <p>22 arrested and that teletype was canceled immediately.</p> <p>23 Q. What happened during the interaction?</p> <p>24 A. I spoke with him. I was like, you</p> <p>25 know, he never went -- he did not go in handcuffs.</p>
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<p>1 for both of us. I mean, by the time you go through</p> <p>2 the booking process, I mean, it could be a few</p> <p>3 hours.</p> <p>4 Q. So if you were following up on a</p> <p>5 suspect at their home, you said that you don't have</p> <p>6 to arrest them, but would you arrest them pursuant</p> <p>7 to a wanted?</p> <p>8 MR. HUGHES: Just -- just object. It's</p> <p>9 just overbroad and vague and ambiguous. Object to</p> <p>10 form. Okay. Go ahead.</p> <p>11 THE WITNESS: If it's my wanted, I</p> <p>12 wouldn't have to arrest them. If they had warrants,</p> <p>13 I would be bound to arrest them. But if it's my</p> <p>14 wanted, no. If it's another officer's wanted, yes.</p> <p>15 If it's my case, my wanted, then, no.</p> <p>16 BY MR. HOLLAND:</p> <p>17 Q. Have you ever arrested a -- well,</p> <p>18 strike that.</p> <p>19 How many wanteds have you entered in</p> <p>20 your police career?</p> <p>21 A. I do not know.</p> <p>22 Q. More than ten?</p> <p>23 A. I do not know.</p> <p>24 Q. Have you ever, upon following up on a</p> <p>25 wanted, encountered a suspect at their home?</p>	<p>1 I just -- talking to him. He talked to me about it</p> <p>2 and was like, Okay. Well, now I have your side of</p> <p>3 it. I had her side. Now I have your side.</p> <p>4 She said she's willing to go to court.</p> <p>5 You guys can both go to court on this date and talk</p> <p>6 about -- and the judge will decide if -- if the case</p> <p>7 warrants further or if it doesn't, but he was not --</p> <p>8 he was not arrested. He was on the side of the road</p> <p>9 with me for maybe 15 minutes at most, and then he</p> <p>10 was on his way.</p> <p>11 Q. Have you ever issued a wanted and then</p> <p>12 thereafter sought a warrant, arrest warrant?</p> <p>13 A. No.</p> <p>14 Q. Why not?</p> <p>15 A. Most of what -- most of the cases that</p> <p>16 I've had I've usually arrested the person on --</p> <p>17 arrested them, and in certain instances I've</p> <p>18 arrested them on the scene of the incident and</p> <p>19 conducted warrant application while they were in</p> <p>20 custody, or usually it's -- actually, I would like</p> <p>21 to retract that. There is one where I issued a</p> <p>22 wanted and then applied on a warrant.</p> <p>23 Q. Can you tell me about that?</p> <p>24 A. I was patrolling in an area where I saw</p> <p>25 a vehicle that had -- so every year on your plate,</p>

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<p>1 the year corresponds with the color. '16 is black,</p> <p>2 '17 is red. I saw a vehicle that had a black '17</p> <p>3 sticker which -- well, they don't even make black</p> <p>4 '17 stickers, so I initiated a traffic stop. And</p> <p>5 there's two occupants.</p> <p>6 The driver identified -- there was</p> <p>7 warrants attached to the plates. The driver</p> <p>8 identified himself and I knew he was the driver that</p> <p>9 had the warrants. The female passenger</p> <p>10 identified -- falsely identified herself, and as I</p> <p>11 returned to my vehicle, I found that the driver had</p> <p>12 felony warrants. Not wanteds, warrants.</p> <p>13 And as I was -- it's our practice that</p> <p>14 you don't just go and try and arrest a person with</p> <p>15 felony warrants, especially when they have caution</p> <p>16 codes for being violent. You wait for another</p> <p>17 officer to get there to assist you. You never know</p> <p>18 what's going to happen.</p> <p>19 On this traffic stop from where my</p> <p>20 position was, they actually had to go a roundabout</p> <p>21 way to get there and the female exited the</p> <p>22 vehicle -- I still had not been able to identify the</p> <p>23 female, and she exited the vehicle and fled from the</p> <p>24 scene.</p> <p>25 Other officers arrived 15 seconds after</p>	<p>1 A. The amount of -- there are certain --</p> <p>2 there are certain things that you can issue a</p> <p>3 summons for. There are certain things you can't</p> <p>4 issue a summons for. And if -- and in this</p> <p>5 instance, since she had felony -- she had numerous</p> <p>6 felony charges, active warrants, I went to the state</p> <p>7 PA's Office, because in that instance, since she had</p> <p>8 felony warrants, she fled from me, that means it's</p> <p>9 felony resisting, so that's why I went with the</p> <p>10 Prosecuting Attorney's Office.</p> <p>11 Q. What can you issue a summons for?</p> <p>12 A. Gas drive-off, drug paraphernalia,</p> <p>13 marijuana, trespassing, peace disturbance.</p> <p>14 There's -- there's probably about 15 to 20 charges</p> <p>15 written on there that -- and then you have your</p> <p>16 ordinance book where you can do additional other</p> <p>17 charges that aren't written on the form.</p> <p>18 Q. And everything else you have to go</p> <p>19 apply for a warrant for?</p> <p>20 A. You forward it to the County</p> <p>21 Counselor's Office and see if -- or the State</p> <p>22 Prosecuting Attorney's Office.</p> <p>23 Q. Is this four?</p> <p>24 A. Yes.</p> <p>25 Q. Excuse me. Sorry. I'll just mark the</p>
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<p>1 she made it to the tree line, and I stayed with the</p> <p>2 driver because I had him identified, and I knew who</p> <p>3 he was, and I knew he had felony warrants. They</p> <p>4 went after her. The driver falsely identified her,</p> <p>5 but we were able to ascertain who she was and</p> <p>6 realized that the reason she lied is because she had</p> <p>7 \$50,000 worth of cash-only bonds for dangerous</p> <p>8 things.</p> <p>9 So based on all of this and positive</p> <p>10 identification, we issued a wanted, and she was</p> <p>11 picked up approximately, like, a month later by</p> <p>12 Jefferson County. And since she had \$50,000</p> <p>13 cash-onlys -- and I mean, this lady did not have</p> <p>14 very much money to her name and knowing that she did</p> <p>15 not appear in court numerous times, I knew she</p> <p>16 wasn't getting out any time soon.</p> <p>17 I responded to Jefferson County. I</p> <p>18 interviewed her, and then I came back, canceled the</p> <p>19 wanted immediately, wrote up my report, and then</p> <p>20 forwarded it off to the Prosecuting Attorney's</p> <p>21 Office.</p> <p>22 Q. So what would cause you to -- after</p> <p>23 entering a wanted talking to the suspect, what would</p> <p>24 cause you to apply for a warrant as opposed to</p> <p>25 issuing a summons?</p>	<p>1 whole document. I'm marking as Exhibit 4 Department</p> <p>2 General Order 10-37, but it also contains later</p> <p>3 iterations of this -- of this document. Bates</p> <p>4 number DEF-RFP234, six zeros, 28.</p> <p>5 (Exhibit 4 was marked for</p> <p>6 identification.)</p> <p>7 MS. GROSSMAN: Here you go, Mike.</p> <p>8 MR. HUGHES: Thank you.</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. And I understand that the cover page</p> <p>11 you're looking at and the iteration -- the first</p> <p>12 couple iterations predated your time as a -- as an</p> <p>13 officer. What I'm interested in starts on page 1 of</p> <p>14 21. It's lower right-hand corner ending in 57.</p> <p>15 It's Department General Order 13-37 dated</p> <p>16 September 25, 2013.</p> <p>17 A. You said it's which page?</p> <p>18 Q. It's --</p> <p>19 MR. HUGHES: I think this is --</p> <p>20 MR. HOLLAND: On the bottom middle it</p> <p>21 says 11 of 21.</p> <p>22 MR. HUGHES: Sort of in the middle.</p> <p>23 MR. HOLLAND: Excuse me, 1 of 21.</p> <p>24 MR. HUGHES: Yeah, that exhibit. I</p> <p>25 think I found it.</p>

19 (Pages 73 to 76)

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<p>1 MR. HOLLAND: Okay.</p> <p>2 MR. HUGHES: So I showed it to him, so</p> <p>3 he's looking for it, so ...</p> <p>4 THE WITNESS: You said 1 of 21?</p> <p>5 MR. HUGHES: Yeah, this is -- Tim, are</p> <p>6 you saying Department General Order 13-37?</p> <p>7 MR. HOLLAND: That's correct.</p> <p>8 MR. HUGHES: Effective September 25th,</p> <p>9 2013? Okay.</p> <p>10 MR. HOLLAND: That's correct.</p> <p>11 MR. HUGHES: Yeah, 1 of 21.</p> <p>12 MR. HOLLAND: I'm going to hand you one</p> <p>13 more document just to get us up to date.</p> <p>14 (Exhibit 5 was marked for</p> <p>15 identification.)</p> <p>16 MR. HOLLAND: Marking as Exhibit 5,</p> <p>17 Departmental General Order 16-37 dated March 16th,</p> <p>18 2016, Bates DEFROP234, six zeros, and 78.</p> <p>19 Q. Do you recognize these two documents?</p> <p>20 A. Yes.</p> <p>21 Q. What are they?</p> <p>22 A. Department policy on case management.</p> <p>23 Q. And these are the two versions of this</p> <p>24 document that were in effect during your time as a</p> <p>25 police officer?</p>	<p>1 Q. So section -- Roman numeral eight,</p> <p>2 subsection A reads, "When confronted with a</p> <p>3 situation where a suspect exists but there is no</p> <p>4 potential danger to the public or loss of evidence</p> <p>5 would not occur by delaying the arrest, officers are</p> <p>6 permitted and encouraged to apply for an arrest</p> <p>7 warrant or summons prior to effecting a full custody</p> <p>8 arrest." Did I read that correctly?</p> <p>9 A. Yes.</p> <p>10 Q. Was this your practice?</p> <p>11 A. Yes.</p> <p>12 Q. Would you agree that entering a wanted,</p> <p>13 your goal is to have the result be a full custody</p> <p>14 arrest?</p> <p>15 A. Can you repeat that one more time?</p> <p>16 Q. Would you agree that when you enter a</p> <p>17 wanted, a goal is to have the suspect -- strike</p> <p>18 that.</p> <p>19 Would you agree that when you enter a</p> <p>20 wanted, your goal is to effect a full custody</p> <p>21 arrest, whether by you or an officer who reads the</p> <p>22 teletype that you directed to be sent out?</p> <p>23 MR. HUGHES: My only objection is it's</p> <p>24 been asked and answered in a different form when he</p> <p>25 previously stated what his goal was.</p>
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<p>1 A. Yes.</p> <p>2 Q. Okay. If we turn -- if you start with</p> <p>3 13-37 and turn to page 11 of 21, section 8 is</p> <p>4 Warrant Summons Application Procedures; is that</p> <p>5 accurate? Sorry. I'm looking at Exhibit 4.</p> <p>6 A. Okay.</p> <p>7 Q. Page 11 of 21?</p> <p>8 A. Okay.</p> <p>9 Q. Do you see exhibit -- or section 8</p> <p>10 there?</p> <p>11 MR. HUGHES: Roman numeral eight?</p> <p>12 MR. HOLLAND: Roman numeral eight.</p> <p>13 MR. HUGHES: VII -- VIII.</p> <p>14 THE WITNESS: Mine.</p> <p>15 MR. HUGHES: Is it -- are you on</p> <p>16 Exhibit 4?</p> <p>17 THE WITNESS: Yeah, Exhibit 4.</p> <p>18 MR. HUGHES: Allow me to see if I can</p> <p>19 help him find it.</p> <p>20 MR. HOLLAND: Of course. Thank you.</p> <p>21 MR. HUGHES: This is Roman numeral</p> <p>22 eight.</p> <p>23 THE WITNESS: Oh.</p> <p>24 MR. HUGHES: And then --</p> <p>25 MR. HOLLAND: Thanks, Mike.</p>	<p>1 THE WITNESS: If there's enough</p> <p>2 probable cause and it's warranted if he -- in an</p> <p>3 instance where someone has assaulted and has</p> <p>4 warrants, then, yeah, they need a full custody</p> <p>5 arrest.</p> <p>6 BY MR. HOLLAND:</p> <p>7 Q. My question is if you enter a wanted,</p> <p>8 is the goal of that wanted to have the suspect</p> <p>9 arrested?</p> <p>10 A. For the ability to give them an</p> <p>11 opportunity to speak their side, yes.</p> <p>12 Q. Officer Partin, I'm just asking a</p> <p>13 yes-or-no question. If you enter a wanted, is your</p> <p>14 goal to have the suspect be arrested?</p> <p>15 MR. HUGHES: My objection is asked and</p> <p>16 answered, so he's just repeating the question.</p> <p>17 THE WITNESS: Yes, if it's warranted.</p> <p>18 BY MR. HOLLAND:</p> <p>19 Q. And you told me a few minutes ago that</p> <p>20 you have entered wanteds and also thereafter applied</p> <p>21 for a warrant on only one instance.</p> <p>22 A. On one instance that I can remember.</p> <p>23 One that sticks out in my head.</p> <p>24 Q. Have you ever arrested somebody</p> <p>25 pursuant to another officer's wanted?</p>

20 (Pages 77 to 80)

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<p>1 A. Yes.</p> <p>2 Q. How many times?</p> <p>3 A. I do not know.</p> <p>4 Q. More than ten?</p> <p>5 A. I do not know.</p> <p>6 Q. When you arrested that person, what was</p> <p>7 your basis for the arrest?</p> <p>8 A. Wanted and/or warrants.</p> <p>9 Q. I'm focused specifically on wanteds.</p> <p>10 So your basis for arresting a person, as you said</p> <p>11 you have done, you look and -- you type in their</p> <p>12 name, it says they have a wanted, and you effected</p> <p>13 the arrest?</p> <p>14 A. Well, just because it's in the computer</p> <p>15 doesn't mean it's necessarily an active wanted. I</p> <p>16 mean, we always call and verify to make sure that</p> <p>17 they are active.</p> <p>18 Q. Are you aware of wanteds regularly</p> <p>19 being in the system that are not active?</p> <p>20 A. Not to my knowledge. But I still</p> <p>21 verify everything, warrants and wanteds.</p> <p>22 Q. So why don't you walk me through that</p> <p>23 process. You enter the name into the system, it</p> <p>24 says wanted, what do you do to verify that it's</p> <p>25 still active?</p>	<p>1 vehicle, I did not know that was my wanted. I knew</p> <p>2 I was looking for a vehicle like that, but without</p> <p>3 it having license plates on it, I had no idea that</p> <p>4 that was the wanted vehicle I was looking for.</p> <p>5 Q. What do you mean when you say "wanted</p> <p>6 vehicle"?</p> <p>7 A. Typically, whenever I put a vehicle</p> <p>8 out -- a vehicle that was involved in a crime, it's</p> <p>9 a stop infer. I just want to know who's in the</p> <p>10 vehicle. That way I can get an opportunity to talk</p> <p>11 to them, find out who they are. That way I can see</p> <p>12 if they remotely come close to the description that</p> <p>13 I was given.</p> <p>14 Q. How do you put that vehicle out as</p> <p>15 being involved in a crime?</p> <p>16 A. For the stop infer? Same -- same as a</p> <p>17 wanted for a person except instead of -- I mean,</p> <p>18 it's not -- it's not -- the wanted is just for,</p> <p>19 like, stops, not for a tow. You don't have to tow</p> <p>20 them. You don't have to arrest them. Just stop</p> <p>21 them, find out who's in it, get the vehicle</p> <p>22 information, and they pass it along to me for me to</p> <p>23 conduct a follow-up later.</p> <p>24 Q. Going back to your -- the discussion</p> <p>25 about you potentially responding to wanted in the</p>
Page 82	Page 84
<p>1 A. Is it a St. Louis County wanted or is</p> <p>2 it a different department's wanted?</p> <p>3 Q. Why don't we start with St. Louis</p> <p>4 County.</p> <p>5 A. I call the St. Louis County records</p> <p>6 room.</p> <p>7 Q. What do they tell you?</p> <p>8 A. They'll -- if it's a wanted, well,</p> <p>9 they'll either confirm, yes, it's active or, no, and</p> <p>10 then we arrest based on that.</p> <p>11 Q. So in that instance, whether it is</p> <p>12 warranted is based solely on whether the wanted is</p> <p>13 in the system and active, in your judgment, where</p> <p>14 you're not the case officer?</p> <p>15 A. Yeah. If they say yes, active,</p> <p>16 then ...</p> <p>17 Q. You mentioned earlier that when you</p> <p>18 were walking me through one -- one of the</p> <p>19 experiences you had that you -- that a vehicle that</p> <p>20 had been spotted was wanted. Are wanteds just for</p> <p>21 suspects or are they for vehicles as well?</p> <p>22 A. You're referring to the traffic stop</p> <p>23 for the road rage incident?</p> <p>24 Q. Correct.</p> <p>25 A. At that -- I -- upon stopping that</p>	<p>1 system, when you -- when you do go and check -- when</p> <p>2 you have gone to check whether that -- whether</p> <p>3 wanteds are active, have you ever been told that</p> <p>4 they're not active?</p> <p>5 A. No.</p> <p>6 Q. Why did you suggest that as a</p> <p>7 possibility?</p> <p>8 A. Well, for -- in regards to other</p> <p>9 agencies, some agencies when they put out wanteds</p> <p>10 that aren't warrants, they put extradition limits,</p> <p>11 so if Franklin County has a wanted and they say</p> <p>12 they're only going to pick up adjoining agencies,</p> <p>13 still afford them that opportunity to, hey, this is</p> <p>14 who we have. If you want them, let us know.</p> <p>15 It's -- it's to afford the originating agency the</p> <p>16 opportunity if they -- the person is wanted if they</p> <p>17 want to spend the extra time to come and get them.</p> <p>18 MR. HOLLAND: Why don't we take a quick</p> <p>19 bathroom break, if that's okay.</p> <p>20 THE VIDEOGRAPHER: The time is 11:42.</p> <p>21 We are off the record.</p> <p>22 (Recess taken.)</p> <p>23 THE VIDEOGRAPHER: The time is 11:54.</p> <p>24 We are back on the record.</p> <p>25 BY MR. HOLLAND:</p>

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<p>1 Q. Officer Partin, before we took a break,</p> <p>2 we were talking about instances in which you have</p> <p>3 happened upon a person who happens to have a wanted</p> <p>4 out for them; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Each time you have done so, has that</p> <p>7 resulted in you arresting the individual?</p> <p>8 A. There have been instances where I see</p> <p>9 the officer's name and know that they are working,</p> <p>10 and I will give them a call and tell them, hey,</p> <p>11 someone, you have a wanted out. I have him here.</p> <p>12 If you want to come talk to them and most -- more</p> <p>13 than likely they always do.</p> <p>14 Q. What happens when the officer is</p> <p>15 unavailable or you don't recognize the name?</p> <p>16 A. Well, if they're unavailable or don't</p> <p>17 recognize the name, then I arrest them and take them</p> <p>18 to Clayton.</p> <p>19 Q. By Clayton, what do you mean?</p> <p>20 A. Justice Services.</p> <p>21 Q. And what happens to them at that point?</p> <p>22 A. The -- they're booked and then the</p> <p>23 officer responds there to talk to them.</p> <p>24 Q. And what if the officer is unavailable?</p> <p>25 A. Define unavailable.</p>	<p>1 Q. Is there a maximum -- prior to the</p> <p>2 point where you would pursue a warrant or summons,</p> <p>3 maximum amount of time?</p> <p>4 A. For --</p> <p>5 Q. Is there a 24-hour rule?</p> <p>6 A. There is a 24-hour rule.</p> <p>7 Q. What is your understanding of the</p> <p>8 24-hour rule?</p> <p>9 A. There's that you have -- you should get</p> <p>10 there to talk to them as soon as you possibly can.</p> <p>11 They understand that things happen. It's short. If</p> <p>12 can't get down there during your shift, you go after</p> <p>13 your shift. It's -- if you can't make it, then</p> <p>14 that's on you, and they will be released after 24</p> <p>15 hours. They can't be -- they shouldn't be picked up</p> <p>16 again on that same wanted.</p> <p>17 Q. Are you aware of instances where a</p> <p>18 person has been arrested on a wanted held for 24</p> <p>19 hours and not questioned during that time period?</p> <p>20 A. No.</p> <p>21 Q. Are you aware of individuals being</p> <p>22 arrested pursuant to a wanted and held for longer</p> <p>23 than the moment necessary out of punishment for that</p> <p>24 person?</p> <p>25 A. No.</p>
Page 86	Page 88
<p>1 Q. On vacation.</p> <p>2 A. If they're on vacation and they're not</p> <p>3 going to be able to respond, then usually another</p> <p>4 officer will go talk to them and take over the case.</p> <p>5 Q. What if they're not coming on duty for</p> <p>6 another eight hours?</p> <p>7 A. I can't speak for other officers, but I</p> <p>8 know what I would do.</p> <p>9 Q. What would you do?</p> <p>10 A. If I wasn't coming on for another eight</p> <p>11 hours, I would probably get in my uniform and go</p> <p>12 respond before my shift.</p> <p>13 Q. Have you ever done that?</p> <p>14 A. Yes.</p> <p>15 Q. If a person is in custody pursuant to</p> <p>16 being arrested from a wanted, what circumstances</p> <p>17 would exist where the case officer would not speak</p> <p>18 to that person?</p> <p>19 A. I don't know what -- in what instances</p> <p>20 that they wouldn't come and talk to someone that</p> <p>21 they had an active case against.</p> <p>22 Q. Are there any limitations or</p> <p>23 requirements related to the -- the wanted who was</p> <p>24 arrested in terms of how long they can be kept?</p> <p>25 A. Not a moment longer than necessary.</p>	<p>1 Q. Once the officer -- case officer</p> <p>2 questions the individual arrested pursuant to a</p> <p>3 wanted, what should happen at that point?</p> <p>4 A. They're immediately processed for</p> <p>5 release if they don't have other warrants or other</p> <p>6 officers that need to speak with them.</p> <p>7 Q. So those are the situations where you</p> <p>8 arrested the person pursuant to a wanted. You also</p> <p>9 mentioned instances that you've experienced where</p> <p>10 you recognize the officer on the report and you</p> <p>11 contact that officer to let them know you have their</p> <p>12 suspect in custody, correct?</p> <p>13 A. Usually -- with that -- that is only if</p> <p>14 they work in my precinct and they are on the next</p> <p>15 shift, the shift that's on. So when I was on days,</p> <p>16 if afternoons was on, since I would be off at 4:00,</p> <p>17 if afternoons was on and it was in that time span,</p> <p>18 they would -- I would give them a call and say, hey,</p> <p>19 here's your wanted.</p> <p>20 If it's midnights, I would say -- I</p> <p>21 would arrest them because, unfortunately, not</p> <p>22 everyone can make it in as soon as you call them.</p> <p>23 People have lives, kids. It's not that simple to</p> <p>24 drop everything and go.</p> <p>25 Usually on midnights, we're told as</p>

22 (Pages 85 to 88)

<p style="text-align: right;">Page 89</p> <p>1 soon as roll call is over at 8:00, go take care of 2 that. So I mean, if they're on -- if they're on and 3 working, I'll call them and be like, hey, come take 4 care of this. Come take care of your wanted. 5 If they're not on -- and me calling 6 them right then and there and having them respond to 7 the scene is only if they're in my precinct. Other 8 than that, I can't -- I can't sit around in Affton 9 and wait for an officer from North County to come 10 down. It's a lot of time consuming. 11 Q. You're speaking in a bit of 12 hypotheticals and I appreciate that, but you said it 13 has happened where you have encountered an 14 individual who you determined is wanted, and you 15 recognize the officer's name, and you contact that 16 officer to come see the suspect; is that correct? 17 A. Yes. 18 Q. And during that time period between the 19 point where you contact the officer and he arrives, 20 you have detained that individual, correct? 21 A. Actually, no, because the few 22 instances, the person didn't know that I knew who 23 they were. 24 Q. What do you mean? 25 A. One instance I was -- I responded</p>	<p style="text-align: right;">Page 91</p> <p>1 are constantly causing issues, we all know those 2 cases. We're made aware of what's happening in our 3 precinct, the larger stuff, not the small gas 4 drive-off or anything like that. 5 Q. And the purpose of that would be so 6 that the wanteds in those larger cases could be 7 arrested while walking the street because the 8 officers know who they are as opposed to the more 9 random encounters, correct? 10 A. So that we can -- can you repeat that 11 one more time? 12 Q. You said that the officers talk, 13 especially with regarding the larger cases and who 14 was wanted in connections with them, and my question 15 to you is, the purpose of that is so that the 16 officers can know who is wanted so that if they 17 recognize them in the street at a diner, anywhere, 18 they can arrest them in those situations as opposed 19 to having to wait for a chance encounter at a 20 traffic stop; is that correct? 21 A. Depending on who the -- in the bigger 22 cases, it's more people that are known to be 23 violent, people that are known to carry weapons. 24 It's -- it's more of an officer safety thing if -- 25 if I know that John Smith is out wanted for assault,</p>
<p style="text-align: right;">Page 90</p> <p>1 earlier in the day for a 1050 leaving. They knew it 2 was the neighbor, and she said she would be back 3 with her grandson, told the victim, and then it just 4 so happened that I knew from -- I mean, as officers 5 we talk about our cases. You know, we help each 6 other. And it just so happened that I remembered 7 the name of another case that he was working, and I 8 knew exactly who the guy was. 9 While I was investigating and leaving 10 the scene, he didn't know that I knew he was wanted. 11 So I didn't even contact him about it and just knew 12 where he was. He was hanging out in someone's 13 basement, and we were allowed to go onto the 14 gentleman's property to get him, and the officer 15 took custody, so he was actually never detained by 16 me. 17 Q. How about in the other instances where 18 this has happened? Have you detained the individual 19 while waiting for the officer? 20 A. Yes. 21 Q. So you just mentioned that you talk to 22 officers about your cases, so you let each other 23 know who is wanted on your cases? 24 A. Not like the little cases, but the ones 25 that are affecting, like, our area, like people that</p>	<p style="text-align: right;">Page 92</p> <p>1 and he's known to fight, he's known to resist, I 2 don't want to send one of my friends into an 3 instance where they could get hurt or something bad 4 could happen to them. So it's more to let them know 5 officer safety. Hey, this guy, every time I've 6 arrested him, he's had an uncapped syringe in his 7 pocket. I don't want to get stuck by a dirty 8 needle. I don't want my friends stuck by a dirty 9 needle, so we talk about things that most people 10 don't want to hear, but, unfortunately, it's an 11 everyday thing for our job. 12 Q. I understand. Based on your experience 13 with the 24-hour hold, would it be improper for an 14 officer to elect to leave someone on a 24-hour hold 15 without attempting to question them or apply for a 16 warrant? 17 A. Yes. 18 Q. Just circling back, you mentioned 19 earlier that your practice is, upon encountering 20 somebody who you determined is wanted, aside from 21 your cases, wanted by another officer, you check if 22 it's -- the wanted is active or inactive, correct? 23 A. Yes. 24 Q. What would cause a wanted to be 25 inactive?</p>

<p style="text-align: right;">Page 93</p> <p>1 A. I don't know.</p> <p>2 Q. The -- presumably the officer in</p> <p>3 response to that wanted had reason to cancel it?</p> <p>4 A. Possibly.</p> <p>5 Q. At his own discretion, his or her own</p> <p>6 discretion?</p> <p>7 A. If that's where the case led, then,</p> <p>8 yes.</p> <p>9 Q. When you -- you started at the academy</p> <p>10 in March 2015, correct?</p> <p>11 A. Yes.</p> <p>12 Q. Around that time were you made aware of</p> <p>13 a -- a report issued by the Department of Justice in</p> <p>14 connection with Ferguson County?</p> <p>15 A. We had heard of it, but we had not read</p> <p>16 it.</p> <p>17 Q. What had you heard about it?</p> <p>18 A. That it was going to change the way</p> <p>19 police departments operate, and there was going to</p> <p>20 be big changes coming, basically.</p> <p>21 Q. Who told you that?</p> <p>22 A. Instructors.</p> <p>23 Q. Do you remember any names?</p> <p>24 A. No.</p> <p>25 Q. Do you remember what courses you were</p>	<p style="text-align: right;">Page 95</p> <p>1 A. No. Just that it was going to affect</p> <p>2 law enforcement as a whole and not just Ferguson</p> <p>3 Police Department, but even police departments</p> <p>4 thousands of miles away will change everyone's way</p> <p>5 of doing things.</p> <p>6 Q. And earlier we spoke about the changes</p> <p>7 to the wanteds policy in July 2015 and then</p> <p>8 subsequent changes in September 2016; is that</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. Did you -- and July 2015 would have</p> <p>12 been four months after this March 2015 DOJ report;</p> <p>13 is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Did anyone tell you that the changes</p> <p>16 made to those policies were in connection with or</p> <p>17 impacted at all by that report?</p> <p>18 A. No.</p> <p>19 Q. Did you have an understanding that --</p> <p>20 or did you have a belief that the changes that came</p> <p>21 to be in that July 2015 policy were part of the big</p> <p>22 changes that you were told about by these</p> <p>23 instructors?</p> <p>24 MR. HUGHES: Object to the relevance.</p> <p>25 Go ahead.</p>
<p style="text-align: right;">Page 94</p> <p>1 in when you heard that?</p> <p>2 A. No, I do not.</p> <p>3 Q. Do you -- what did they tell you about</p> <p>4 these big changes?</p> <p>5 A. That it's not just changes that's going</p> <p>6 to affect our department. It's going to be changed</p> <p>7 that affect law enforcement -- the law enforcement</p> <p>8 community across the US.</p> <p>9 Q. Did any of these changes relate to</p> <p>10 wanted?</p> <p>11 A. I can't remember.</p> <p>12 Q. Do you remember the report having any</p> <p>13 connection to wanteds, the use of wanteds by police</p> <p>14 officers?</p> <p>15 A. Which report?</p> <p>16 Q. The DOJ report.</p> <p>17 MR. HUGHES: The DOJ report about the</p> <p>18 Ferguson Police Department?</p> <p>19 MR. HOLLAND: Correct. That's what I'm</p> <p>20 asking you about.</p> <p>21 THE WITNESS: I never read the report.</p> <p>22 BY MR. HOLLAND:</p> <p>23 Q. These instructors who told you about</p> <p>24 the big changes, did they tell you anything about</p> <p>25 this report?</p>	<p style="text-align: right;">Page 96</p> <p>1 THE WITNESS: Can you repeat that one</p> <p>2 more time?</p> <p>3 BY MR. HOLLAND:</p> <p>4 Q. You said these instructors told you</p> <p>5 that, you know, following this report, there were</p> <p>6 going to be big changes in the way police practices</p> <p>7 nationwide and in St. Louis County were conducted,</p> <p>8 and then these changes to the policy happened in</p> <p>9 July 2015. Did you believe that those changes were</p> <p>10 related to what you were told about?</p> <p>11 MR. HUGHES: My objection, it calls for</p> <p>12 speculation and conjecture on his part, so I object</p> <p>13 to the form on that basis.</p> <p>14 MR. HOLLAND: I'm only asking for his</p> <p>15 belief.</p> <p>16 THE WITNESS: Can you read that back</p> <p>17 one more time?</p> <p>18 (Record read by the reporter.)</p> <p>19 MR. HUGHES: Also object to the form.</p> <p>20 It's vague and it assumes facts not in evidence. Go</p> <p>21 ahead.</p> <p>22 THE WITNESS: In my opinion, the</p> <p>23 general orders changed so frequently that, I mean,</p> <p>24 they even tell you keep up on your general orders</p> <p>25 because they change constantly. They're -- there's</p>

24 (Pages 93 to 96)

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<p>1 always ways to better improve and do things, and</p> <p>2 when they hear them, they change them, so staying up</p> <p>3 to date on them is crucial.</p> <p>4 BY MR. HOLLAND:</p> <p>5 Q. How did you go about staying up to date</p> <p>6 on them?</p> <p>7 A. Whenever they -- whenever they told me</p> <p>8 that a new general order was in the past system, I</p> <p>9 would go read the general order and then sign off on</p> <p>10 it.</p> <p>11 Q. How did you sign off on it?</p> <p>12 A. Digital signature with a user name and</p> <p>13 password.</p> <p>14 Q. I think you said earlier that</p> <p>15 Exhibit 1, which is the July 15th, came about in --</p> <p>16 while you were at the academy, and your training on</p> <p>17 it consisted of reading it at home.</p> <p>18 How about -- can you remind me about</p> <p>19 Exhibit 2, which was issued September 2016, the</p> <p>20 updates there? Was there any training in connection</p> <p>21 with that while you were in the field?</p> <p>22 MR. HUGHES: Objection. Repetitive.</p> <p>23 Asked and answered.</p> <p>24 THE WITNESS: I believe there was</p> <p>25 actually training at in-service on the changes to</p>	<p>1 and all that, all those changes. How they pertain</p> <p>2 to the department.</p> <p>3 Q. So if we look at Exhibit 2, the second</p> <p>4 page, section B, there's some language in bold</p> <p>5 there. Section B(1)(a) at this -- as of</p> <p>6 September 14th, 2016, and is this current?</p> <p>7 A. Yes.</p> <p>8 Q. It reads, once the case -- "Once the</p> <p>9 case officer has determined probable cause exists</p> <p>10 that a person has committed a crime, they must have</p> <p>11 a review of the facts supporting the case by their</p> <p>12 immediate supervisor or his or her designee and</p> <p>13 receive approval before requesting wanted person</p> <p>14 entries. Once approved, the case officer will</p> <p>15 contact CARE or DCI word processing and request a</p> <p>16 wanted entry on the person. The name and DSN of the</p> <p>17 approving supervisor must be in the narrative of the</p> <p>18 CARE report." Did I read that correctly?</p> <p>19 A. Yes.</p> <p>20 Q. Did you receive any training during</p> <p>21 that in-service training session on this section of</p> <p>22 the teletype policy?</p> <p>23 A. I'm not sure.</p> <p>24 Q. You could have but you just don't</p> <p>25 recall?</p>
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<p>1 the teletypes and wanteds.</p> <p>2 BY MR. HOLLAND:</p> <p>3 Q. Sorry. When did that happen?</p> <p>4 A. I can't remember a specific date. But</p> <p>5 we do in-service once or twice a year. Twice a</p> <p>6 year, I think.</p> <p>7 Q. Is that about the same time each year?</p> <p>8 A. It varies.</p> <p>9 Q. So this -- this update came out</p> <p>10 September 2016. Do you remember if that in-service</p> <p>11 training was prior to this or after that?</p> <p>12 A. I don't remember.</p> <p>13 Q. Do you remember if there were any</p> <p>14 materials other than the policy that you were</p> <p>15 provided to train you on these updates?</p> <p>16 A. I don't remember.</p> <p>17 Q. What can you tell me about that</p> <p>18 in-service training?</p> <p>19 A. They went over changes to the laws,</p> <p>20 teletypes. It was -- I think there was six classes,</p> <p>21 so not exactly easy to remember.</p> <p>22 Q. What changes to the law did they tell</p> <p>23 you about?</p> <p>24 A. The changes of domestic -- with</p> <p>25 domestic violence and how the addition of E felonies</p>	<p>1 A. Correct.</p> <p>2 Q. How did your -- strike that.</p> <p>3 How did your handling of a wanted</p> <p>4 change once this policy went into effect?</p> <p>5 A. Once this policy went into effect, it</p> <p>6 was -- you know, if I had a suspect, I ran</p> <p>7 everything by my supervisor.</p> <p>8 Q. Prior to issuing the wanted?</p> <p>9 A. Uh-huh. Yes.</p> <p>10 Q. Did anybody tell you why that change</p> <p>11 was made?</p> <p>12 A. They did say that it was according to</p> <p>13 something that was published about the Ferguson</p> <p>14 Police Department.</p> <p>15 Q. Who said that to you?</p> <p>16 A. It was just everyone talking.</p> <p>17 Q. By everyone talking --</p> <p>18 A. Police officers talking.</p> <p>19 Q. Which officers do you talk to most</p> <p>20 frequently?</p> <p>21 A. It's a small precinct and we're not</p> <p>22 co-workers. We're kind of like a family, so I talk</p> <p>23 to pretty much everyone every time I see them.</p> <p>24 Q. Within the Affton -- Affton police</p> <p>25 precinct?</p>

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<p>1 A. Yes.</p> <p>2 Q. Did any -- were there other officers</p> <p>3 who told you that or did a supervisor tell your</p> <p>4 group of officers that the reason that this was</p> <p>5 being changed was related to a publication on the</p> <p>6 Ferguson police report?</p> <p>7 A. It was just brought up. It was now we</p> <p>8 have to add the supervisor's name and DSN and some</p> <p>9 people said, well, now we've got to talk to them</p> <p>10 about every case. Well, doesn't extend your report,</p> <p>11 and it's simple. It's to make sure that everyone is</p> <p>12 in the right.</p> <p>13 Q. So prior to September 14th, 2016, I</p> <p>14 think you said earlier you still got supervisor</p> <p>15 approval, but maybe it happened after the wanted had</p> <p>16 been entered; is that accurate?</p> <p>17 A. Say that again.</p> <p>18 Q. Prior to this policy being in place,</p> <p>19 did you receive supervisory review and approval of</p> <p>20 the wanteds you entered?</p> <p>21 A. For the most part, yeah, because I was</p> <p>22 new, still learning, and the last thing I wanted to</p> <p>23 do was something that I shouldn't and, you know, get</p> <p>24 written up for it.</p> <p>25 Q. But it was permitted to happen after</p>	<p>1 Q. I guess my question is, did that ever</p> <p>2 happen? Did you ever say you wanted to enter a</p> <p>3 wanted and a supervisor said, you don't have enough?</p> <p>4 A. No.</p> <p>5 Q. Did you -- was there ever a case where</p> <p>6 you entered a wanted and then the -- your supervisor</p> <p>7 thereafter, whether a day, a week later, reviewed it</p> <p>8 and told you that they disagreed with the level of</p> <p>9 probable cause?</p> <p>10 A. No.</p> <p>11 Q. Prior to 2000 -- prior to</p> <p>12 September 2016, what was your understanding</p> <p>13 of -- strike that.</p> <p>14 I'll come back to that.</p> <p>15 After September 2016, when this policy</p> <p>16 went into effect and you've been meeting with your</p> <p>17 supervisor before entering the wanted, have you ever</p> <p>18 been refused by the supervisor in an instance where</p> <p>19 you wanted to enter a wanted?</p> <p>20 MR. HUGHES: Objection. Asked and</p> <p>21 answered. Oh, after September 17th. I think it's</p> <p>22 been asked and answered. But anyway, go ahead.</p> <p>23 THE WITNESS: Can you repeat that one</p> <p>24 more time?</p> <p>25 BY MR. HOLLAND:</p>
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<p>1 the wanted was entered under the policy, correct,</p> <p>2 the approval?</p> <p>3 A. Can you rephrase that?</p> <p>4 Q. Strike that.</p> <p>5 I'll move on. So you -- have you ever</p> <p>6 been refused -- strike that.</p> <p>7 Has there ever been an instance where</p> <p>8 you wanted to enter a wanted, but you -- your</p> <p>9 supervisor refused or thought it was inappropriate?</p> <p>10 A. Since this policy went into effect?</p> <p>11 Q. Let's start with before the policy went</p> <p>12 into effect. Was there ever an instance where</p> <p>13 you -- before entering the wanted, you sought your</p> <p>14 supervisor's guidance saying you wanted to enter a</p> <p>15 wanted and they said it would not be appropriate to</p> <p>16 enter the wanted?</p> <p>17 A. I remember speaking with them and</p> <p>18 telling them, I don't think I have enough for a</p> <p>19 wanted, but I want to run this past you. Most</p> <p>20 supervisors have, you know, ten to 15 years on, so</p> <p>21 quite a bit more experience than myself. So if I'm</p> <p>22 not -- if I'm not connecting the dots on my case,</p> <p>23 maybe someone else who knows my case can help me out</p> <p>24 and determine if I have enough or don't have enough</p> <p>25 and if I need to continue my investigation.</p>	<p>1 Q. After September 2016, when this policy</p> <p>2 came into effect and you've had to meet with your</p> <p>3 supervisor before issuing the wanted, has there ever</p> <p>4 been an instance where you wanted to enter a wanted</p> <p>5 but your supervisor said no?</p> <p>6 A. No.</p> <p>7 MR. HOLLAND: Okay. Mike, I think the</p> <p>8 next stuff I want to get into is the case-specific</p> <p>9 stuff, so I think this is a good point to break for</p> <p>10 half an hour for lunch.</p> <p>11 MR. HUGHES: Okay. Finally</p> <p>12 case-specific, huh?</p> <p>13 MR. HOLLAND: Finally, yeah.</p> <p>14 THE VIDEOGRAPHER: The time is 12:22.</p> <p>15 We are off the record.</p> <p>16 (Discussion off the record.)</p> <p>17 THE VIDEOGRAPHER: The time is 12:22.</p> <p>18 We are back on the record.</p> <p>19 BY MR. HOLLAND:</p> <p>20 Q. Officer Partin, I have -- was just</p> <p>21 asking you about whether there was ever any</p> <p>22 instances where you wanted to enter a wanted and</p> <p>23 your supervisor told you no. Let's talk about the</p> <p>24 opposite where you brought your case to a supervisor</p> <p>25 and you were unsure whether you had probable cause</p>

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<p>1 or didn't think you had probable cause. Was there</p> <p>2 ever an instance where a supervisor in that scenario</p> <p>3 said go ahead and enter the wanted?</p> <p>4 MR. HUGHES: Wait. Could you repeat</p> <p>5 the question?</p> <p>6 MR. HOLLAND: Yes.</p> <p>7 MR. HUGHES: Or rephrase it because I</p> <p>8 think I heard it --</p> <p>9 MR. HOLLAND: Let me just ask it</p> <p>10 directly.</p> <p>11 MR. HUGHES: -- in a strange way.</p> <p>12 BY MR. HOLLAND:</p> <p>13 Q. Has there ever been a scenario where</p> <p>14 you're discussing with your supervisor a suspect who</p> <p>15 you don't think you have probable cause on to enter</p> <p>16 a wanted, and they tell you to go ahead and enter</p> <p>17 the wanted.</p> <p>18 A. No, they haven't. If I don't feel I</p> <p>19 have enough probable cause and the supervisor, they</p> <p>20 wouldn't just tell me to enter the wanted because</p> <p>21 for whatever reason, unless they're seeing probable</p> <p>22 cause that I'm not seeing, but they've never told me</p> <p>23 to do that without explaining, like, connecting the</p> <p>24 dots that I'm not seeing.</p> <p>25 Q. But has that ever happened where maybe</p>	<p>1 you didn't know that, okay.</p> <p>2 MR. HOLLAND: I was unaware.</p> <p>3 THE WITNESS: Officers that I spoke to</p> <p>4 on a pretty regular basis would have been Vineyard,</p> <p>5 Bement, Berardi, Hake, Graf, Costa, Behlmann, again</p> <p>6 Rickard, Thompson, May, Curcuru, Kanteres, Norberg,</p> <p>7 Wilschusen, Brannan, Fosdick, Boenever, Killian,</p> <p>8 Arras, Blake.</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. And it would have been these officers</p> <p>11 that you spoke to about the practice of trying to</p> <p>12 talk to the suspect before going to the prosecutor's</p> <p>13 office or the County Counselor?</p> <p>14 A. We didn't always talk about work. We</p> <p>15 talked about personal stuff. We talked about --</p> <p>16 we're friends. We all talked about just about</p> <p>17 everything.</p> <p>18 Q. Right. And I understand that. I'm</p> <p>19 just focused on your earlier testimony about talking</p> <p>20 to other officers or hearing from other officers</p> <p>21 about the practice within the police department of</p> <p>22 issuing wanteds to communicate with the suspect</p> <p>23 prior to pursuing a warrant or issuing a summons.</p> <p>24 A. I can't remember those specific names.</p> <p>25 Q. But it would have been somebody among</p>
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<p>1 they saw something you didn't see?</p> <p>2 A. No.</p> <p>3 Q. Okay. Okay.</p> <p>4 THE VIDEOGRAPHER: The time is 12:24.</p> <p>5 We are off the record.</p> <p>6 (Recess taken.)</p> <p>7 THE VIDEOGRAPHER: The time is 1:00 p.m</p> <p>8 We are back on the record.</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. Officer Partin, before lunch you had</p> <p>11 mentioned that you talked to officers in your</p> <p>12 precinct, and it's a relatively small precinct; is</p> <p>13 that correct?</p> <p>14 A. Yes.</p> <p>15 Q. Earlier you mentioned that there are</p> <p>16 two sergeants and a lieutenant who, at various</p> <p>17 times, are your supervisors; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. What are the names of the other</p> <p>20 officers in your precinct?</p> <p>21 A. Just patrol officers?</p> <p>22 Q. Patrol officers, the officers who you</p> <p>23 would have spoken to on a daily basis.</p> <p>24 MR. HUGHES: Should he include the --</p> <p>25 also who was recently killed in that -- oh, maybe</p>	<p>1 the names you just entered or just said?</p> <p>2 A. Could be.</p> <p>3 Q. And same group of people that you could</p> <p>4 have or would have spoken to about the impact that</p> <p>5 the DOJ report would have had on police practices?</p> <p>6 A. It's possible -- it's possible.</p> <p>7 Q. Okay. Are you familiar with the REJIS</p> <p>8 system?</p> <p>9 A. Yes.</p> <p>10 Q. What is REJIS?</p> <p>11 A. Regional information system.</p> <p>12 Q. How do you use it?</p> <p>13 A. For checking to make sure that people</p> <p>14 don't have warrants or do have warrants and --</p> <p>15 Q. Wanted as well?</p> <p>16 A. Yeah, if they're -- if they -- we have</p> <p>17 all these systems, and it doesn't seem like they all</p> <p>18 talk to each other, so sometimes you'll see stuff in</p> <p>19 this one -- or this system will show you nothing and</p> <p>20 then this system will show you everything. And</p> <p>21 sometimes this will have some of it and this doesn't</p> <p>22 and ...</p> <p>23 Q. And by -- you're talking about multiple</p> <p>24 systems here. Is one of them REJIS?</p> <p>25 A. Yes.</p>

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<p>1 Q. What are the other ones?</p> <p>2 A. DOR.</p> <p>3 Q. What is DOR?</p> <p>4 A. Department of Revenue; CrimeMATRIX,</p> <p>5 which is a St. Louis County website that we use or</p> <p>6 application we use.</p> <p>7 Q. What do you use DOR for?</p> <p>8 A. Plates, driver's license, it populates</p> <p>9 warrants, wanteds.</p> <p>10 Q. What do you use CrimeMATRIX for?</p> <p>11 A. It will show you -- it will show you</p> <p>12 history and it will show wanteds also.</p> <p>13 Q. What does CrimeMATRIX show you in</p> <p>14 connection with wanteds?</p> <p>15 A. It's limited -- it's very limited</p> <p>16 information. It doesn't show -- it doesn't show you</p> <p>17 a whole lot, but it can show you more than -- it can</p> <p>18 show you something that isn't in, like, one of the</p> <p>19 other systems.</p> <p>20 Q. For example?</p> <p>21 A. If they're on probation or parole and</p> <p>22 past addresses that they've used, phone numbers.</p> <p>23 Q. Does it show that -- in the CrimeMATRIX</p> <p>24 database, is there an entry next to the person that</p> <p>25 says they are wanted?</p>	<p>1 Q. And that wanted information will be in</p> <p>2 their entry within CrimeMATRIX?</p> <p>3 A. Yes.</p> <p>4 Q. And who has access to CrimeMATRIX?</p> <p>5 A. St. Louis County employees.</p> <p>6 Q. Who maintains the data within</p> <p>7 CrimeMATRIX, if you know?</p> <p>8 A. I don't know.</p> <p>9 Q. Does the DOR database contain</p> <p>10 information relating to wanteds?</p> <p>11 A. It does.</p> <p>12 Q. Does it -- does it state whether that</p> <p>13 individual is wanted?</p> <p>14 A. It will show like the person's name and</p> <p>15 like the case and all that information, and what</p> <p>16 they're wanted for and if -- it will show like the</p> <p>17 teletype number and the officer with case</p> <p>18 responsibility.</p> <p>19 Q. Have you ever identified somebody</p> <p>20 within CrimeMATRIX as wanted and then arrested them</p> <p>21 because of that?</p> <p>22 A. Through CrimeMATRIX?</p> <p>23 Q. Right.</p> <p>24 A. No.</p> <p>25 Q. Do you -- can you access that while in</p>
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<p>1 A. If you have the right information, it</p> <p>2 could be.</p> <p>3 Q. Explain that to me.</p> <p>4 A. If you put in -- if you put in a name</p> <p>5 and you're not sure on the date of birth, you could</p> <p>6 put in the name and then like a range of two years</p> <p>7 of what you think their birthday could be, and it</p> <p>8 will show you all the similar people, and then you</p> <p>9 have to look through.</p> <p>10 Q. Let me make sure I'm understanding</p> <p>11 this. Are you saying you have somebody who is</p> <p>12 wanted and you're searching CrimeMATRIX for them, or</p> <p>13 does the CrimeMATRIX database itself denote that</p> <p>14 that person is wanted?</p> <p>15 A. So if it's John Smith, white male, 1/12</p> <p>16 of '88, but then there's five of '87, six of '82,</p> <p>17 but they're all the same name, same race, and it</p> <p>18 shows -- if you just put the name, it will show all</p> <p>19 those, and then it will -- and it will say if</p> <p>20 they're wanted.</p> <p>21 Q. Okay.</p> <p>22 A. But it won't -- until you actually</p> <p>23 click on it and start reading, you won't know if --</p> <p>24 you won't know what they're wanted for until you</p> <p>25 look at what the wanted information is.</p>	<p>1 your patrol car?</p> <p>2 A. Yes.</p> <p>3 Q. Same as REJIS?</p> <p>4 A. Yes.</p> <p>5 Q. Do you know the reason why both systems</p> <p>6 exist independently? Do they contain separate</p> <p>7 information?</p> <p>8 Let me ask it this way: Why would you</p> <p>9 use CrimeMATRIX instead of REJIS?</p> <p>10 A. Because sometimes -- CrimeMATRIX, if</p> <p>11 it's a person who frequents St. Louis County's jail,</p> <p>12 you have current mug shot photos. It's -- if you've</p> <p>13 been arrested in the last six months with, you</p> <p>14 know -- if I'm looking for a person with -- who's</p> <p>15 bald and has a goatee and now this guy has, you</p> <p>16 know, hair that's, you know, past their shoulder, it</p> <p>17 will help you determine is this a possibility of a</p> <p>18 suspect, not.</p> <p>19 Q. So REJIS contains kind of statistics</p> <p>20 about the person, height, weight; whereas,</p> <p>21 CrimeMATRIX contains a mug shot? More current?</p> <p>22 A. More current information.</p> <p>23 Q. Is there a reason you might use REJIS</p> <p>24 instead of CrimeMATRIX?</p> <p>25 A. I use -- I pretty much use every</p>

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<p>1 system, I mean, quite independently. I mean,</p> <p>2 sometimes I -- if I'm working on a -- each program</p> <p>3 does different things, so certain programs, if</p> <p>4 you're looking for certain information, you're going</p> <p>5 to want to use this program. If you're looking for</p> <p>6 certain other information, you want to use this</p> <p>7 program, so ...</p> <p>8 Q. Do you know how long a wanted can</p> <p>9 remain in REJIS's system?</p> <p>10 A. Not exactly sure.</p> <p>11 Q. Do you know how long a wanted can</p> <p>12 remain in CrimeMATRIX?</p> <p>13 A. Until it's removed.</p> <p>14 Q. Possibly indefinitely?</p> <p>15 A. If you're arrested and you cancel the</p> <p>16 teletype, it will be removed.</p> <p>17 Q. Is that the same for REJIS?</p> <p>18 A. Yes.</p> <p>19 Q. Have you ever -- I think earlier you</p> <p>20 said that you encounter a person, you can enter</p> <p>21 their name into either of these systems and</p> <p>22 determine if they are wanted, correct?</p> <p>23 A. Correct. Well, yes and no. A name</p> <p>24 alone, unless it's a significant name, like, very</p> <p>25 few people have this name, but a more common name, I</p>	<p>1 A. That will only show -- it will only</p> <p>2 show warrants.</p> <p>3 Q. So if you typed your current ZIP code</p> <p>4 or GPS into the -- into the REJIS or CrimeMATRIX or</p> <p>5 other systems within your patrol car, it wouldn't</p> <p>6 let you know who is wanted in the area?</p> <p>7 A. Usually -- I mean, if you're -- if</p> <p>8 you're looking for wanted, you could -- you can find</p> <p>9 them. But the computer systems are -- I mean, the</p> <p>10 systems are so wishy-washy at times that if you type</p> <p>11 in information, you might -- I mean, I'd check to</p> <p>12 see who had felony warrants one night and it said</p> <p>13 there was one. Well, 63128 is a big area and only</p> <p>14 one felony warrant popped up, so I mean, I don't</p> <p>15 know how accurate some of the times that can be.</p> <p>16 Q. So by 63128, is that a ZIP code?</p> <p>17 A. Yes.</p> <p>18 Q. So you can enter a ZIP code in and it</p> <p>19 will tell you in that ZIP code who's wanted, who's</p> <p>20 out for a warrant; is that correct?</p> <p>21 A. If they're -- if the address that they</p> <p>22 lived at used that ZIP code, it should, if they</p> <p>23 entered that address in there.</p> <p>24 Q. Have you ever done that and found that</p> <p>25 someone in your vicinity is wanted or out on a</p>
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<p>1 mean, you have to maybe know their exact birthdate</p> <p>2 or roughly how old they are, or where the last place</p> <p>3 is that they called home.</p> <p>4 I mean, if you've never lived -- if I'm</p> <p>5 looking for John Smith, and I know he lived in</p> <p>6 Jefferson County was the place on his driver's</p> <p>7 license, then probably the people that don't live in</p> <p>8 Jefferson County can be excluded, but I mean,</p> <p>9 still ...</p> <p>10 Q. I understand that. I didn't want to</p> <p>11 cut you off. That was -- that was -- I wasn't as --</p> <p>12 I didn't ask that as well as I could have.</p> <p>13 Do you have the appropriate information</p> <p>14 to enter into REJIS when you encounter a person on,</p> <p>15 say, a traffic stop, you'll be able to determine if</p> <p>16 they are wanted, correct?</p> <p>17 A. Hypothetically, yes, but people don't</p> <p>18 always identify themselves correctly.</p> <p>19 Q. Understood. And if you are not on a</p> <p>20 traffic stop but, say, just on your daily patrol,</p> <p>21 are you able to identify people who are wanted in</p> <p>22 your general vicinity at that time? You know, not</p> <p>23 looking for any specific person, but, okay, who</p> <p>24 within a five-mile radius is wanted? Are you able</p> <p>25 to do that through REJIS or CrimeMATRIX?</p>	<p>1 wanted?</p> <p>2 A. Out on a wanted, no.</p> <p>3 Q. Are you familiar with MULES?</p> <p>4 A. Yes.</p> <p>5 Q. What is MULES?</p> <p>6 A. Another one of those systems where you</p> <p>7 can get all that information.</p> <p>8 Q. Is it -- do you know of any differences</p> <p>9 between MULES and REJIS?</p> <p>10 A. It's one of those that I -- yeah,</p> <p>11 I've -- we have all these programs that we can use,</p> <p>12 and there are some that are a lot more</p> <p>13 user-friendly, and then there are some that are just</p> <p>14 downright confusing, so sometimes I try to avoid</p> <p>15 using them because you just get confused, and</p> <p>16 there's much simpler ones you can use.</p> <p>17 Q. Which ones are the more confusing ones?</p> <p>18 A. REJIS, the -- typically, I --</p> <p>19 typically, I can run them through Mobile Ticketing,</p> <p>20 which is uses DOR inlets, and you can -- that</p> <p>21 usually holds as much information as MULES or REJIS,</p> <p>22 and it's usually -- usually pretty accurate.</p> <p>23 I mean, I haven't -- haven't come</p> <p>24 across too many people that if I ran them in that</p> <p>25 program, what I see is exactly what they're wanted</p>

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<p>1 for. There's usually not any hidden information.</p> <p>2 Q. Is there any information that is in</p> <p>3 REJIS that is not in MULES?</p> <p>4 A. I'm not sure.</p> <p>5 MR. HUGHES: I guess before lunch you</p> <p>6 said you would get some specifics on this case.</p> <p>7 MR. HOLLAND: Mike, I'm going to get</p> <p>8 there. I'm almost there.</p> <p>9 Q. Have you ever issued a temporary</p> <p>10 wanted?</p> <p>11 A. A temporary wanted?</p> <p>12 Q. Do you know what that is?</p> <p>13 A. (Shakes head.)</p> <p>14 Q. Okay. Do you know how long wanteds</p> <p>15 remain in MULES or NCIC?</p> <p>16 A. No.</p> <p>17 Q. All right. Let's -- let's turn to the</p> <p>18 circumstances relating to Mr. Furlow. Just before</p> <p>19 we do that, earlier you said that around the police</p> <p>20 precinct you -- you and the other officers talk</p> <p>21 about larger cases, especially if, you know, it's a</p> <p>22 suspect who causes trouble in the community; is that</p> <p>23 accurate?</p> <p>24 A. Yeah.</p> <p>25 Q. Was -- does Mr. Furlow fall within that</p>	<p>1 field trainer. You were in phrase three at that</p> <p>2 point?</p> <p>3 A. Correct.</p> <p>4 Q. What time did your shift start that</p> <p>5 day?</p> <p>6 A. 6:00 a.m.</p> <p>7 Q. So you get this call for an ongoing</p> <p>8 fight. Were you familiar with the location where it</p> <p>9 was taking place?</p> <p>10 A. Not really.</p> <p>11 Q. Have you responded to that street</p> <p>12 previously?</p> <p>13 A. I can't remember.</p> <p>14 MR. HOLLAND: Okay. Let's take a look</p> <p>15 at the -- what I believe is the police report in</p> <p>16 connection with that incident. Marking as Partin</p> <p>17 Exhibit 6, Bates numbers DEFRRP 100000004. And you</p> <p>18 can take a couple minutes to review that.</p> <p>19 (Exhibit 6 was marked for</p> <p>20 identification.)</p> <p>21 BY MR. HOLLAND:</p> <p>22 Q. Do you recognize this document?</p> <p>23 A. Yes.</p> <p>24 Q. Is -- why don't you tell me what it is?</p> <p>25 A. It's the police report I completed the</p>
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<p>1 group?</p> <p>2 A. Prior to my interaction with him on</p> <p>3 November 11th, I'd never heard that name.</p> <p>4 Q. Got it.</p> <p>5 A. That was also when I was up in North</p> <p>6 County and --</p> <p>7 MR. HUGHES: You answered the question.</p> <p>8 MR. HOLLAND: You did.</p> <p>9 Q. So why don't you walk me through the</p> <p>10 morning of November 11th, 2015. What do you</p> <p>11 remember about that morning?</p> <p>12 A. We were on patrol, and then we got</p> <p>13 dispatched for a fight in progress. We responded --</p> <p>14 I think the call was dispatched at 8:58 and we</p> <p>15 arrived at 9:00 o'clock.</p> <p>16 Q. So you were in the area?</p> <p>17 A. We -- we worked Glasgow Village, which</p> <p>18 Glasgow is very small so doesn't take long to get</p> <p>19 from one side of there to the other.</p> <p>20 Q. And by "we," who were you with that</p> <p>21 morning?</p> <p>22 A. Officer Slusser.</p> <p>23 Q. What rank is Officer Slusser?</p> <p>24 A. He's a field trainer.</p> <p>25 Q. And as you said earlier, he was your</p>	<p>1 day of the incident.</p> <p>2 Q. And did you draft this document or</p> <p>3 create this document?</p> <p>4 A. I -- some of it is computer-automated</p> <p>5 from dispatch but some of it we have to add in.</p> <p>6 Q. What parts did you add in?</p> <p>7 A. Some of the -- the first -- above the</p> <p>8 first line below "Investigative information," some</p> <p>9 of the radio and my DSN, the -- some of the</p> <p>10 information about times and then when it occurred,</p> <p>11 the officers that responded.</p> <p>12 Q. So just stopping you, the times that it</p> <p>13 occurred, I think as you just said a little bit</p> <p>14 earlier, it looks like the date and time received</p> <p>15 was at 8:57 that morning. What does that indicate</p> <p>16 to you?</p> <p>17 A. That's the time that it was called in</p> <p>18 to the police department.</p> <p>19 Q. And then date/time dispatch, 8:58 a.m.</p> <p>20 that day?</p> <p>21 A. That's the time that the call was sent</p> <p>22 to us.</p> <p>23 Q. And then you arrived on the scene at</p> <p>24 9:00 a.m.?</p> <p>25 A. Yes.</p>

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<p>1 Q. And the scene is listed under respond</p> <p>2 location 116 Glen Garry Road?</p> <p>3 A. Yes.</p> <p>4 Q. Have you responded to any incidents</p> <p>5 previously on that street?</p> <p>6 A. No, at least not at that address.</p> <p>7 Q. Any other addresses?</p> <p>8 A. Not to my knowledge, but we respond for</p> <p>9 sick cases pretty much just about everywhere, so</p> <p>10 there's a good chance that I may have responded to a</p> <p>11 sick case on that street.</p> <p>12 Q. And you said you add in, did you say,</p> <p>13 the responding officers to the report here as well?</p> <p>14 A. Yes.</p> <p>15 Q. Where would those be listed?</p> <p>16 A. Where it says, "Agency personnel," and</p> <p>17 then you see 3DSN and name lines.</p> <p>18 Q. So you previously said that Slusser was</p> <p>19 there with you?</p> <p>20 A. Yes.</p> <p>21 Q. What role did Officers Robertson and</p> <p>22 Spraggins play?</p> <p>23 A. Robinson was another field trainer and</p> <p>24 Spraggins was also on field training at that time.</p> <p>25 He was one of the guys I went to the academy with.</p>	<p>1 A. There's quite a few names, and I want</p> <p>2 to make sure I have them correct.</p> <p>3 Q. Okay.</p> <p>4 A. There's Janet Virgin, Dwayne Furlow,</p> <p>5 Latoya Furlow, [REDACTED], [REDACTED], [REDACTED]</p> <p>6 [REDACTED].</p> <p>7 Q. Were all of those individuals on the</p> <p>8 scene when you arrived?</p> <p>9 A. No.</p> <p>10 Q. Who was not?</p> <p>11 A. Dwayne Furlow and Latoya Furlow were</p> <p>12 not on scene.</p> <p>13 Q. Did you speak to the other individuals?</p> <p>14 A. Yes.</p> <p>15 Q. What did they tell you? What did Janet</p> <p>16 Virgin tell you?</p> <p>17 A. Janet Virgin told me that there's been</p> <p>18 ongoing issues with the neighbors, Dwayne Furlow and</p> <p>19 Latoya Furlow, and that Dwayne Furlow's son came out</p> <p>20 and started verbally harassing her kids and then</p> <p>21 started fighting with them.</p> <p>22 Q. What did -- did you speak to [REDACTED]</p> <p>23 [REDACTED]?</p> <p>24 A. I did.</p> <p>25 Q. What did he tell you?</p>
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<p>1 Q. And what was their role that day?</p> <p>2 A. Spraggins was there assisting me in the</p> <p>3 investigation, and then Robertson was there in the</p> <p>4 same capacity that Slusser was, for us to tell him</p> <p>5 what we got --</p> <p>6 Q. So you had each been in your patrol</p> <p>7 cars, you and Slusser, Robertson, and Spraggins,</p> <p>8 when the dispatch went out and both patrol cars</p> <p>9 responded to the scene?</p> <p>10 A. Yes.</p> <p>11 Q. What led -- what led to the decision</p> <p>12 where you became the reporting officer among that</p> <p>13 group?</p> <p>14 A. It was our beat, so we work beats. So</p> <p>15 since it happened in our area, it's automatically</p> <p>16 mine.</p> <p>17 Q. So you respond to the scene that day.</p> <p>18 You arrive at 9:00 a.m. What happened next?</p> <p>19 A. Next we started talking to everyone</p> <p>20 that was involved, the -- [REDACTED].</p> <p>21 Q. Why don't I stop you there and ask you</p> <p>22 who was involved.</p> <p>23 A. It was --</p> <p>24 Q. Do you remember by your recollection or</p> <p>25 do you have to look at the report?</p>	<p>1 A. He didn't really disclose much about</p> <p>2 what had gone on. The more I tried talking to him,</p> <p>3 the less he would talk to me. And then I went back</p> <p>4 to talk to Janet about what actually -- like what's</p> <p>5 the ongoing issue, and she couldn't elaborate what</p> <p>6 the ongoing issue was. It's just that there's</p> <p>7 ongoing issues.</p> <p>8 She wouldn't say if it was the kids</p> <p>9 bickering and then the parents just started</p> <p>10 bickering, or if it's just someone is being a bad</p> <p>11 neighbor. She wouldn't elaborate on what the</p> <p>12 ongoing issue was.</p> <p>13 Q. So all she told you was there's an</p> <p>14 ongoing issue?</p> <p>15 A. Pretty much.</p> <p>16 Q. Did you speak to [REDACTED] there?</p> <p>17 A. Yes.</p> <p>18 Q. What did she tell you?</p> <p>19 A. She basically said that they started</p> <p>20 messing with her brother and that she stepped in to</p> <p>21 defend him.</p> <p>22 Q. And her brother is [REDACTED]?</p> <p>23 A. No, her -- her brother is [REDACTED]</p> <p>24 [REDACTED].</p> <p>25 Q. Did you speak to [REDACTED]?</p>

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<p>1 A. I did.</p> <p>2 Q. What did he tell you?</p> <p>3 A. He said that [REDACTED] came out and</p> <p>4 started talking at him and then started fighting</p> <p>5 with him.</p> <p>6 Q. What happened next?</p> <p>7 A. I was talking to Janet, and then she</p> <p>8 told me that when the kids started fighting, that</p> <p>9 she started recording on her phone because she</p> <p>10 wanted to have evidence of the type of stuff that</p> <p>11 was going on, and then she said while they were</p> <p>12 fighting, Mr. Furlow came at her and took her phone</p> <p>13 in an aggressive manner and then fled the scene.</p> <p>14 Q. Did she tell you anything else?</p> <p>15 A. She said that she was hit in the head</p> <p>16 and he broke her glasses.</p> <p>17 Q. What did you do next?</p> <p>18 A. Next I walked back to my car, and then</p> <p>19 [REDACTED] came up to me and handed me his dad's</p> <p>20 cell or his cell phone and said, "My dad wants to</p> <p>21 talk to you."</p> <p>22 He identified himself as Dwayne Furlow,</p> <p>23 and then I started talking to him about what had</p> <p>24 happened. At first he said he was inside sleeping</p> <p>25 and heard the altercation, and then he reversed</p>	<p>1 don't think it was complete, I won't stop you.</p> <p>2 BY MR. HOLLAND:</p> <p>3 Q. So now you've spoken to everybody on</p> <p>4 the scene. I just -- looking at the report, is</p> <p>5 there a reason why your communications with [REDACTED],</p> <p>6 [REDACTED], and [REDACTED] are not described in the</p> <p>7 narrative?</p> <p>8 A. Well, none of them had marks on them,</p> <p>9 so it didn't sound like an actual fight. It sounded</p> <p>10 more like siblings wrestling and it -- it just -- I</p> <p>11 mean, with what we had in regards to it, it</p> <p>12 didn't -- we really didn't have much in regards to</p> <p>13 it. I've got what one parent is saying and then the</p> <p>14 other one is not there and not telling me what's</p> <p>15 going on. Just telling me to do my F'ing job.</p> <p>16 Q. So is it your understanding at that</p> <p>17 point based on what Janet had said and your viewing</p> <p>18 the scene, it's kind of a neighborly dispute?</p> <p>19 A. The kids, neighborly dispute. The --</p> <p>20 the assault and the larceny, not exactly neighborly.</p> <p>21 Q. The allegations of it?</p> <p>22 A. Yes.</p> <p>23 Q. What -- so at this point, after [REDACTED]</p> <p>24 comes over to you, you speak to Dwayne. You have</p> <p>25 heard Janet's allegations and Dwayne's side of the</p>
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<p>1 himself and said he was outside and saw it, and then</p> <p>2 he was gone. So we were there and he wanted to</p> <p>3 press charges for the person that had assaulted his</p> <p>4 kid, but he wouldn't -- I mean, he wasn't exactly</p> <p>5 doing anything to help me out in that investigation.</p> <p>6 I mean, if -- if I just saw my child be</p> <p>7 assaulted and I had such an issue with it, I think I</p> <p>8 would have remained on scene to further that</p> <p>9 investigation. If I want that person brought to</p> <p>10 justice for assaulting my kid, this is what I would</p> <p>11 do. I would be there to talk to the police about</p> <p>12 it.</p> <p>13 Q. But different people have different</p> <p>14 perspectives, fears of law enforcement; do you agree</p> <p>15 with that?</p> <p>16 A. I completely agree with that. But an</p> <p>17 ultimate -- I mean --</p> <p>18 MR. HUGHES: You can wait for the next</p> <p>19 question.</p> <p>20 MR. HOLLAND: Okay.</p> <p>21 MR. HUGHES: Unless you want him to</p> <p>22 finish it, but I thought he answered the question.</p> <p>23 MR. HOLLAND: Just want him to -- as</p> <p>24 complete as he feels; it's not up to me.</p> <p>25 MR. HUGHES: If you want to -- if you</p>	<p>1 story. What do you do next?</p> <p>2 A. We then canvass the area to see who may</p> <p>3 have witnessed it that wasn't from either family,</p> <p>4 and we locate a neighbor who had seen the incident.</p> <p>5 Q. And that is [REDACTED]; is that</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. Where was he located?</p> <p>9 A. He was standing outside of his house</p> <p>10 at -- I think he lived at --</p> <p>11 Q. [REDACTED], I think, is right.</p> <p>12 A. Yeah.</p> <p>13 Q. Where is [REDACTED] in relation to 116 Glen</p> <p>14 Garry Road?</p> <p>15 A. So if you imagine this wall as the</p> <p>16 street (indicating) in the -- and the center house</p> <p>17 is Janet Virgin's, to the right was Dwayne Furlow's,</p> <p>18 to the left was [REDACTED].</p> <p>19 Q. What did -- what did [REDACTED] tell you?</p> <p>20 A. He said -- he said he didn't see who</p> <p>21 started the fight amongst the kids; however, he did</p> <p>22 say he saw Mr. Furlow assault Ms. Virgin and take</p> <p>23 her phone.</p> <p>24 Q. Did he -- if we look at your report, it</p> <p>25 says, "[REDACTED] stated" -- [REDACTED] is [REDACTED] --</p>

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<p>1 "stated he observed the altercation between Virgin 2 and D. Furlow. He's not certain who started the 3 altercation. He explained he observed Furlow take a 4 phone from Virgin." 5 Did I read that correctly? 6 A. Yes. 7 Q. Is that different from what you just 8 said? 9 A. Can you repeat what I said? 10 Q. I can read it. It says -- I asked you 11 what he told you, and you said -- you said, "He 12 didn't see who started the fight amongst the kids; 13 however, he did say he saw Mr. Furlow assault 14 Ms. Virgin and take her phone." 15 A. And he did not see who started the 16 altercation, but he did see Mr. Furlow take the 17 phone from Virgin. 18 Q. Saw her -- saw Mr. Furlow take a phone 19 from -- 20 A. Yes. 21 Q. So that point, Mr. Furlow could have 22 been taking the phone -- his phone back from 23 Ms. Virgin for all you knew, right? 24 MR. HUGHES: Objection to the form. 25 It's argumentative.</p>	<p>1 to [REDACTED] about who you were going to be speaking 2 to? 3 A. He identified him as his dad. 4 Q. Did you look at the screen of the phone 5 to see what the number was? 6 A. It was an older phone; it was a flip 7 phone with a cracked screen. 8 Q. It didn't have any identifying 9 information on the phone in terms of who the caller 10 was? 11 A. I couldn't -- I don't remember. 12 Q. So as I was just reading to you the 13 report, it doesn't contain any reference to 14 Ms. Virgin's glasses being broken or -- or the 15 assault having been witnessed by [REDACTED]; is that 16 correct? And by [REDACTED], I mean [REDACTED] 17 that we've referred to him as both. 18 A. Yes, it doesn't say. 19 Q. In fact, if you turn to the page ending 20 in Bates number 5, which is two of seven of the 21 report, look in the middle of the page, "Injury 22 class," it says, "Probable, not apparent." 23 Does that mean that the injury, if 24 there was one to you, was not apparent? 25 A. Well, Ms. Virgin is an African</p>
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<p>1 BY MR. HOLLAND: 2 Q. Did you know if the phone that 3 Mr. Furlow took from Ms. Virgin -- or excuse me, 4 strike that. 5 Do you know if Mr. -- the phone that 6 [REDACTED] told you he saw Mr. Furlow take from 7 Ms. Virgin was her phone or Mr. Furlow's phone? 8 A. He was not able -- he did not elaborate 9 if it was Mr. Furlow's phone that Ms. Virgin was in 10 possession or if it was her phone. 11 Q. You said you were canvassing the area. 12 Did you -- why don't you tell me what else you did 13 to canvass the area? 14 A. We knocked on other doors for the 15 surrounding houses and no one answered. 16 Q. What did you do next? 17 A. Well, multiple times -- so [REDACTED] 18 [REDACTED], he didn't just hand me the phone once. He 19 handed me it multiple times, and when I asked 20 Mr. Furlow about the phone, he didn't answer and 21 then just "Do your F'ing job." 22 Q. Who said that to you? 23 A. Mr. Furlow. Presumably, Mr. Furlow. 24 Q. When you -- when [REDACTED] handed you the 25 phone the first time, other times, what did you say</p>	<p>1 female -- African-American female, and she had 2 darker-colored skin and the mark on her head was a 3 little bit darker, but I mean, I didn't see blood or 4 anything like that, so ... 5 Q. Okay. So after knocking on doors and 6 coming up unsuccessful and aside from [REDACTED] -- 7 and I'm referring to him as [REDACTED], but can you 8 tell me more about -- how old was he? 9 A. 16, I believe. 10 Q. Were his parents at home? Did you 11 speak to them at all? 12 A. I did not. I don't think -- I don't 13 think they were home. 14 Q. Did you learn anything about 15 [REDACTED] relationship with anyone involved in the 16 incident? 17 A. The only thing that he said was that 18 they were neighbors. 19 Q. So at this point, what did you do next? 20 And before we get there, I just want to bring you 21 back to the narrative because you said you spoke to 22 Mr. -- who you presume to be Mr. Furlow. Did he 23 tell you anything about whether he committed these 24 offenses or not? 25 A. When I tried talking to him about it,</p>

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<p>1 he -- he was -- he was talkative, and then when I</p> <p>2 started talking about the phone, he just quit</p> <p>3 talking. He -- and then the only thing I could get</p> <p>4 out of him was "Do your F'ing job."</p> <p>5 Q. Did he tell you whether he took the</p> <p>6 phone or not?</p> <p>7 A. Every time I asked him, he said, "Do</p> <p>8 your F'ing job."</p> <p>9 Q. If you look at page four of seven of</p> <p>10 the report -- is that right? Yeah, four of seven,</p> <p>11 which is the narrative. The second to last sentence</p> <p>12 above the straight line across there, does it say,</p> <p>13 "D. Furlow denied taking Virgin's property"?</p> <p>14 To read the full sentence, does it say,</p> <p>15 "When questioned about taking Virgin's cell phone,</p> <p>16 D. Furlow denied taking Virgin's property"?</p> <p>17 Did I read that correctly?</p> <p>18 A. Yeah.</p> <p>19 Q. Do you recall that happening?</p> <p>20 A. If I remember, his denying was, "Do</p> <p>21 your F'ing job." And by not completely answering</p> <p>22 the question.</p> <p>23 Q. When somebody says that to you, do you</p> <p>24 usually put that in a report as a denial?</p> <p>25 A. I've -- my report writing has grown</p>	<p>1 A. Later that day.</p> <p>2 Q. How did you make that happen?</p> <p>3 A. I had talked -- I had written the</p> <p>4 report. I showed it to Officer Slusser. He said I</p> <p>5 was -- putting him out as wanted, he didn't seem to</p> <p>6 have an issue with, because of -- on field training,</p> <p>7 you can't do anything without the field trainer's</p> <p>8 okay. No matter what phase you're in, the field</p> <p>9 trainer looks over everything, so if he -- if he</p> <p>10 would have had an issue with it, then it wouldn't</p> <p>11 have been in there.</p> <p>12 Q. So Officer Slusser reviewed this report</p> <p>13 and okayed or approved or okayed the wanted being</p> <p>14 sent out for Mr. Furlow?</p> <p>15 A. (Nods head.)</p> <p>16 Q. Is that noted anywhere in the report</p> <p>17 Officer Slusser's role here? And by role, I mean</p> <p>18 having spoken to you and said it was appropriate to</p> <p>19 issue a wanted.</p> <p>20 A. No, because that wasn't part of</p> <p>21 department policy then.</p> <p>22 Q. It would be now, though, right?</p> <p>23 A. Yes.</p> <p>24 Q. If you turn back to the first page,</p> <p>25 just going to the bottom of the data it says,</p>
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<p>1 since writing this report.</p> <p>2 Q. Okay. So now you are finished</p> <p>3 canvassing and you canvassed the street. Did you</p> <p>4 try to find Mr. Furlow?</p> <p>5 A. We did.</p> <p>6 Q. Is this before or after you entered the</p> <p>7 wanted?</p> <p>8 A. The wanted wasn't entered until later</p> <p>9 in that day. We drove past the house a couple</p> <p>10 times.</p> <p>11 Q. So let's try to put a time on where we</p> <p>12 are now. You canvassed the street after responding</p> <p>13 at 9:00 a.m. What time do you think you were done</p> <p>14 with that?</p> <p>15 A. Probably by 10:00.</p> <p>16 Q. And then what did you do?</p> <p>17 A. I mean, we -- we cleared from the</p> <p>18 scene, and then we were still -- I mean, Glasgow is</p> <p>19 small, so we were patrolling.</p> <p>20 Q. Trying to find Mr. Furlow?</p> <p>21 A. Just because we get one call doesn't</p> <p>22 mean we focus all of our attention. There's still</p> <p>23 plenty of things that need to be done.</p> <p>24 Q. And at what point did you enter the</p> <p>25 wanted?</p>	<p>1 "Approval records." Can you tell me what those</p> <p>2 indicated?</p> <p>3 A. Supervisor approval would be the person</p> <p>4 that reviewed the report. Final approval would be</p> <p>5 someone in CARE that would approve the report after</p> <p>6 a supervisor has approved it.</p> <p>7 Q. So let's start with the supervisor</p> <p>8 review. It says it was dated November 15th, 2015,</p> <p>9 at 10:49, on a Sunday. So give or take four full</p> <p>10 days after the incident?</p> <p>11 A. Yeah.</p> <p>12 Q. What would -- what is -- I know you</p> <p>13 mentioned this individual when -- when I had you</p> <p>14 name your fellow precinct members. Gilyon, who is</p> <p>15 that?</p> <p>16 A. She's an afternoon supervisor.</p> <p>17 Q. First name is?</p> <p>18 A. Emily.</p> <p>19 Q. Emily Gilyon. Is she an officer or a</p> <p>20 lieutenant, sergeant?</p> <p>21 A. Sergeant Gilyon.</p> <p>22 Q. Sergeant Gilyon. What would she have</p> <p>23 done here to review this from a supervisor's</p> <p>24 perspective, or what did she do that you know?</p> <p>25 A. I don't know what supervisors do when</p>

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<p>1 they review reports.</p> <p>2 Q. You're not involved in the supervisor's</p> <p>3 review --</p> <p>4 A. If --</p> <p>5 Q. -- for cases where you're the case</p> <p>6 officer?</p> <p>7 A. If they have an issue with it, they</p> <p>8 bring it up to us before they approve it.</p> <p>9 Q. Is it your understanding that she would</p> <p>10 have reviewed the report, and if she had a problem</p> <p>11 with it, you would have heard about it?</p> <p>12 A. Yes.</p> <p>13 Q. So is it your understanding that on</p> <p>14 November 15th, she thought that was appropriate to</p> <p>15 approve this wanted? And I'm not asking you to</p> <p>16 speak for her. Your understanding, having not heard</p> <p>17 from her, is that --</p> <p>18 A. Having not heard from her, then I would</p> <p>19 assume she didn't have an issue with it.</p> <p>20 Q. I think you said earlier that you never</p> <p>21 had a supervisor contact you about a wanted that you</p> <p>22 had issued?</p> <p>23 A. Not to my knowledge.</p> <p>24 Q. Do you know why she reviewed this four</p> <p>25 days later, or is that -- is that --</p>	<p>1 testimony, you said that in some instances -- in an</p> <p>2 instance where you were familiar with the suspect or</p> <p>3 knew where they lived prior to entering the wanted,</p> <p>4 you might visit their home, knock on the door, see</p> <p>5 if the car is there. Is that accurate?</p> <p>6 A. Yes, we did that that day.</p> <p>7 Q. Prior to entering the wanted?</p> <p>8 A. Correct.</p> <p>9 Q. What happened upon those visits?</p> <p>10 A. No -- no one answered.</p> <p>11 Q. The wanted was entered that afternoon.</p> <p>12 Did you try to visit him again later that day?</p> <p>13 A. Prior to the wanted being entered</p> <p>14 or ...</p> <p>15 Q. Now I'm after the wanted.</p> <p>16 A. After the wanted, no. The wanted was</p> <p>17 entered probably pretty close to end of shift.</p> <p>18 Q. Well, let's look at the report to see</p> <p>19 if we can figure out exactly when it was entered.</p> <p>20 Does date/time entered under the management</p> <p>21 column -- row on the first page, does that give a</p> <p>22 pretty good estimate of when it went in the system,</p> <p>23 1:24 p.m.?</p> <p>24 A. That's probably when the face sheets</p> <p>25 were entered, but the narrative, I don't think</p>
Page 138	Page 140
<p>1 A. I don't know.</p> <p>2 Q. And then the CARE review, is that more</p> <p>3 of a, you know, just make sure that the I's are</p> <p>4 dotted, the T's are crossed, the information there</p> <p>5 is accurate?</p> <p>6 A. I would assume so.</p> <p>7 Q. Do you know what they use to confirm</p> <p>8 that? Do they compare --</p> <p>9 A. I do not.</p> <p>10 Q. All right. So the wanted has been</p> <p>11 entered for Mr. Furlow. Does that mean officers</p> <p>12 statewide are given license to arrest him upon</p> <p>13 encountering him?</p> <p>14 A. I don't remember what the exact wanted</p> <p>15 said in regards to extradition.</p> <p>16 Q. Certainly within St. Louis County?</p> <p>17 A. Yes.</p> <p>18 Q. What did you do to try to find</p> <p>19 Mr. Furlow?</p> <p>20 A. We worked -- we worked four tens, and</p> <p>21 we were always in the same area, so we attempted to</p> <p>22 stop by there a couple times.</p> <p>23 Q. By "there," you mean his residence?</p> <p>24 A. The residence at 116 Glen Garry.</p> <p>25 Q. And going back to some of your earlier</p>	<p>1 that's the same time that the narrative would have</p> <p>2 been entered.</p> <p>3 Q. And if we look in REJIS, the actual</p> <p>4 teletype, would we be able to know when it was</p> <p>5 entered?</p> <p>6 A. I don't know.</p> <p>7 Q. Okay. So whenever it was entered that</p> <p>8 day and the teletype went out, what did you do</p> <p>9 thereafter?</p> <p>10 A. After the teletype was entered?</p> <p>11 Q. Yes.</p> <p>12 A. We -- we did as much as we could. We</p> <p>13 drove past.</p> <p>14 Q. His home?</p> <p>15 A. Yes.</p> <p>16 Q. Knock on the door?</p> <p>17 A. Yes.</p> <p>18 Q. Did you encounter him?</p> <p>19 A. No.</p> <p>20 Q. When you had spoken to him on the phone</p> <p>21 earlier and spoken to his son, had you obtained his</p> <p>22 telephone number?</p> <p>23 A. I did not.</p> <p>24 Q. Would you normally try to take the</p> <p>25 telephone number in a scenario like that so you</p>

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<p style="text-align: right;">Page 141</p> <p>1 could contact the person?</p> <p>2 A. Yeah, but whenever we try and call</p> <p>3 people, no one ever answers the private number.</p> <p>4 Q. Did there come a time when Mr. Furlow</p> <p>5 or his attorney tried to contact you?</p> <p>6 A. Yes. It was never -- Mr. -- after</p> <p>7 November 11th, Mr. Furlow never tried to contact me.</p> <p>8 It was all Blake Strode.</p> <p>9 Q. Can you tell me about your interactions</p> <p>10 with Mr. Strode?</p> <p>11 A. First -- the first time that I got a</p> <p>12 message to call Mr. Strode, all it said was he was a</p> <p>13 lawyer for Dwayne Furlow. And spoke to him and he</p> <p>14 was trying to find out what was going on, but then</p> <p>15 he made promises to turn his client in, and he -- I</p> <p>16 felt like he called me just about every day I was</p> <p>17 working.</p> <p>18 Q. When you had spoken to Mr. Furlow on</p> <p>19 the phone earlier that day, did you tell him -- did</p> <p>20 you do anything to try to get him to come back and</p> <p>21 talk to you?</p> <p>22 A. I had -- I advised him that I had</p> <p>23 enough information and probable cause to believe</p> <p>24 that he had done the larceny and assault, and he was</p> <p>25 going to be put out wanted.</p>	<p style="text-align: right;">Page 143</p> <p>1 Q. And on this day after the incident, you</p> <p>2 had a phone conversation with somebody who said that</p> <p>3 they're Mr. Furlow, told you their side of the</p> <p>4 story, and told you to do your job, and then you had</p> <p>5 conversations with somebody who said they were</p> <p>6 Mr. Furlow's attorney and that he does not wish to</p> <p>7 talk to you, correct?</p> <p>8 A. Correct.</p> <p>9 Q. So at that point, what is the purpose</p> <p>10 of the wanted that you entered other than to have</p> <p>11 Mr. Furlow arrested?</p> <p>12 A. It was like I said before, although he</p> <p>13 identified -- stated he was Dwayne Furlow on the</p> <p>14 phone, if he's not in front of me, I can't confirm</p> <p>15 who he is. So he could say that -- I mean, he could</p> <p>16 say it through his lawyer, but it's kind of one of</p> <p>17 those things where it's a preferred face-to-face</p> <p>18 interaction.</p> <p>19 Q. Are you familiar with the Fifth</p> <p>20 Amendment?</p> <p>21 A. Yes.</p> <p>22 Q. Does Mr. Furlow have a right not to</p> <p>23 talk to you?</p> <p>24 A. Yes.</p> <p>25 Q. Did he exercise that right?</p>
<p style="text-align: right;">Page 142</p> <p>1 Q. And what was your basis for probable</p> <p>2 cause at that point when you spoke to him?</p> <p>3 A. My -- my victim and my independent</p> <p>4 witness.</p> <p>5 Q. So the statements of Ms. Virgin and</p> <p>6 [REDACTED] ?</p> <p>7 A. Yes.</p> <p>8 Q. So after November 11th, on</p> <p>9 November 11th, after the wanted is entered, did</p> <p>10 you -- what did you do in response to the</p> <p>11 interactions you had with Mr. Strode to try to talk</p> <p>12 to Mr. Furlow?</p> <p>13 A. Mr. Strode kept saying that he was</p> <p>14 unwilling to talk to me and would invoke Fifth</p> <p>15 Amendment right, and Mr. Strode kept saying that he</p> <p>16 was going to turn himself in. He's going to turn</p> <p>17 himself in. And then a month and a day later, he</p> <p>18 told me late in the afternoon that he was going to</p> <p>19 turn himself in that evening, but I had heard that</p> <p>20 so many times that I didn't believe it.</p> <p>21 Q. So a couple things. Earlier today you</p> <p>22 said that the purpose of a wanted is to allow the</p> <p>23 suspect the opportunity to tell their side of the</p> <p>24 story, right?</p> <p>25 A. Uh-huh, yes.</p>	<p style="text-align: right;">Page 144</p> <p>1 A. He did.</p> <p>2 Q. So what is the purpose of the wanted at</p> <p>3 that point?</p> <p>4 MR. HUGHES: Are you saying did he</p> <p>5 exercise his Fifth Amendment right not to talk to</p> <p>6 him when he's at the Justice Center, or are you</p> <p>7 saying on the telephone, his voice on the telephone?</p> <p>8 MR. HOLLAND: Through his attorney.</p> <p>9 MR. HUGHES: Okay. My objection is</p> <p>10 asked and answered. Repetitive. You can ask him to</p> <p>11 repeat it or rephrase it.</p> <p>12 THE WITNESS: Repeat.</p> <p>13 MR. HUGHES: I forgot what it was.</p> <p>14 BY MR. HOLLAND:</p> <p>15 Q. So earlier in the day you said that the</p> <p>16 purpose of issuing a wanted is to allow the other</p> <p>17 party -- or the suspect, excuse me, an opportunity</p> <p>18 to communicate their side of the story, correct?</p> <p>19 A. Yes.</p> <p>20 Q. In this instance, Mr. Furlow said that</p> <p>21 he would not talk to you and through his attorney</p> <p>22 exercised his Fifth Amendment right to not talk to</p> <p>23 you; is that right?</p> <p>24 A. Yes.</p> <p>25 Q. Why keep the wanted in place at that</p>

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<p style="text-align: right;">Page 145</p> <p>1 point?</p> <p>2 A. Because we -- leaving it active was so</p> <p>3 that I could verify -- if and when he was picked up,</p> <p>4 I could get to him, allow him to say it to me. I'm</p> <p>5 not talking to you and issue him the summons. That</p> <p>6 way we could have receipt that he received it and</p> <p>7 that way he had a receipt that, hey, he knows that</p> <p>8 he has to go to court. That way when a bench</p> <p>9 warrant for a failure to appear shows up, it's not</p> <p>10 by anyone's fault except for --</p> <p>11 Q. But Mr. Strode, who is Mr. Furlow's</p> <p>12 counsel, offered to bring Mr. Furlow in for that</p> <p>13 purpose if you had the probable cause to get a</p> <p>14 warrant, and those kinds of things, or issue a</p> <p>15 summons. He offered to do that, correct?</p> <p>16 MR. HUGHES: Objection. Assumes facts</p> <p>17 not in evidence. And it's argumentative.</p> <p>18 BY MR. HOLLAND:</p> <p>19 Q. Did Mr. Strode -- actually, excuse me.</p> <p>20 I believe Officer Partin testified a</p> <p>21 few minutes ago that Mr. Strode repeatedly said that</p> <p>22 he would bring Mr. Furlow in and -- to bring himself</p> <p>23 in. Is that correct?</p> <p>24 A. He didn't --</p> <p>25 Q. You can look back at the transcript,</p>	<p style="text-align: right;">Page 147</p> <p>1 he'll be transported to intake until I can get</p> <p>2 there.</p> <p>3 Q. So by transported to intake means he</p> <p>4 would be booked, processed, those sorts of things?</p> <p>5 A. Yes.</p> <p>6 Q. Earlier -- and that would happen</p> <p>7 whether you were on duty or not, correct?</p> <p>8 A. No.</p> <p>9 Q. If you weren't on duty, he would be</p> <p>10 processed. If you were on duty, what would happen?</p> <p>11 A. If I was on duty and he came to the</p> <p>12 station and I was at the station, then I could --</p> <p>13 it's like I explained on the traffic stop for my</p> <p>14 road rage, I could have -- I could have -- hey, he's</p> <p>15 going to invoke his Fifth? All right. Here's your</p> <p>16 summons.</p> <p>17 Q. And what -- what station were you</p> <p>18 working at at this time?</p> <p>19 A. On which day?</p> <p>20 Q. November 11th, 2015, through</p> <p>21 December 12th, 2015.</p> <p>22 A. Up until December 1st, I was in North</p> <p>23 County, and then after I was back in Affton.</p> <p>24 Q. And if you were off duty, he would have</p> <p>25 had to have been processed in intake?</p>
<p style="text-align: right;">Page 146</p> <p>1 but I believe you testified to that.</p> <p>2 A. He did on multiple occasions --</p> <p>3 Q. Right.</p> <p>4 A. -- but on those occasions, when he did</p> <p>5 say he was going to bring him in, he did not bring</p> <p>6 him in.</p> <p>7 Q. Understood. But you just said that the</p> <p>8 purpose of keeping the warrant -- the wanted out</p> <p>9 there is to see Mr. Furlow in person to give him the</p> <p>10 notice for the summons and make sure that he</p> <p>11 received it. And my question is, Mr. Strode was</p> <p>12 offering to bring him in, correct?</p> <p>13 MR. HUGHES: Objection. Asked and</p> <p>14 answered. Go ahead.</p> <p>15 THE WITNESS: Yes.</p> <p>16 BY MR. HOLLAND:</p> <p>17 Q. Did you tell Mr. Strode anything about</p> <p>18 what might need to happen once Mr. Furlow was</p> <p>19 brought in?</p> <p>20 A. I explained the way that things happen,</p> <p>21 whether it be -- if he did it on a day I was</p> <p>22 working, he could come to the station, and if he --</p> <p>23 he could be issued the summons there. He could be</p> <p>24 transported to intake if he has warrants, I mean,</p> <p>25 and then if he does it on a day he's not working,</p>	<p style="text-align: right;">Page 148</p> <p>1 A. Yes.</p> <p>2 Q. Or it was at a precinct where you</p> <p>3 weren't at, or let's say you were out in the field</p> <p>4 and he came in, you would have to be processed?</p> <p>5 A. If I was where?</p> <p>6 Q. If you weren't at the precinct at the</p> <p>7 time.</p> <p>8 A. At the first or the third?</p> <p>9 Q. Either one.</p> <p>10 A. Since I -- I wasn't at the -- if he</p> <p>11 would have turned himself into the third precinct, I</p> <p>12 could have came there and taken -- taken care of it</p> <p>13 there, but if he would have turned himself in into</p> <p>14 the first precinct when I was in the third, he would</p> <p>15 have had to go to intake.</p> <p>16 Q. Did Mr. Strode tell you anything about</p> <p>17 the individuals involved?</p> <p>18 A. He told me that there's ongoing issues</p> <p>19 between neighbors and that there's a restraining</p> <p>20 order, but he didn't show me that paperwork.</p> <p>21 Q. Did you ever go back and ask Ms. Virgin</p> <p>22 if that was the case?</p> <p>23 A. I did not.</p> <p>24 Q. Do you recall Mr. Strode requesting on</p> <p>25 multiple occasions to meet you at the Justice Center</p>

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<p style="text-align: right;">Page 149</p> <p>1 instead of the precinct station so Mr. Furlow would 2 not be arrested, processed, and transferred over to 3 the Justice Center? 4 A. No. 5 Q. You're saying that did not happen? 6 A. He did not ask me to meet him at the 7 Justice Center. He said that his client did not 8 want to be in the custody of St. Louis County police 9 officers because he's had issues with them in the 10 past. 11 Q. And during this time, you left -- 12 despite this communication with Mr. Furlow's 13 attorney, you left the wanted outstanding subjecting 14 Mr. Furlow to custodial arrest at any point? 15 MR. HUGHES: Object to form of the 16 question. It's obviously argumentative. 17 BY MR. HOLLAND: 18 Q. Did the wanted remain outstanding 19 during this time? 20 A. Between November 11th and 21 December 12th? 22 Q. Correct. 23 A. Yes. 24 Q. Do you recall insisting that Mr. Furlow 25 appear at the precinct station at any point, as</p>	<p style="text-align: right;">Page 151</p> <p>1 do you ever ask them for identification to confirm 2 one way or the other? 3 A. Usually the ones that we're looking for 4 that are involved in the larger cases we know fairly 5 well. 6 Q. Okay. Do you know who Captain Guy 7 Means is? 8 A. The name is the captain of the first 9 precinct when I was up there. 10 Q. Did you ever discuss Mr. Furlow with 11 Mr. Means? 12 A. I did not. 13 Q. Are you aware of a letter that 14 Mr. Furlow's counsel sent to Captain Means on 15 November 11th, 2015? 16 A. Not until I was made aware of this 17 lawsuit. 18 MR. HOLLAND: Let's take a look at that 19 letter. Entering as Exhibit 7, this is a 20 November 11th, 2015, email from Blake Strode which 21 attaches a letter from ArchCity Defenders with the 22 same date. 23 (Discussion off the record.) 24 (Exhibit 7 was marked for 25 identification.)</p>
<p style="text-align: right;">Page 150</p> <p>1 opposed to the Justice Center? You wanted him to 2 come to the precinct center first; is that accurate? 3 A. There were so many communications with 4 him, I'm sure it's a possibility. 5 Q. And then he would have had to have been 6 transferred to the Justice Center? 7 A. If I was at the first precinct, he 8 would not have had to have been transferred. 9 Q. When you encounter people on the 10 street, do you ask them for identification? 11 A. Yes. 12 Q. For what purposes? 13 A. Depends on what instances you're 14 meaning. 15 Q. Do you encounter people on the street 16 and ask them for ID to check them to see if they're 17 wanted? 18 A. In what aspect? Just someone 19 walking -- someone at a gas station? At a store? 20 Q. Someone you're familiar with. 21 A. Familiar how? 22 Q. In -- so you said you and your officers 23 discuss larger cases, and if any individuals are 24 wanted in connection with those larger cases, people 25 you suspect to be those individuals on the street,</p>	<p style="text-align: right;">Page 152</p> <p>1 MR. HOLLAND: Is that the right one? 2 Here. 3 MR. HUGHES: For the record, I object 4 to this exhibit. It's Exhibit 7. He already 5 testified he did not see this until the lawsuit was 6 filed, and it's nothing but self-serving hearsay 7 letter prepared by the ArchCity Defenders, Blake 8 Strode. 9 MR. HOLLAND: Objection noted. 10 Q. So I'm looking at this letter. Can 11 you -- so Captain Guy Means was a captain within the 12 first precinct; is that accurate? 13 A. Yes. 14 Q. Does this letter -- it was addressed to 15 Captain Means on November 11th, 2015? 16 MR. HUGHES: You're asking him to what? 17 To -- 18 MR. HOLLAND: Strike that. 19 Q. Have you had a chance to look through 20 the letter? I understand that you haven't -- 21 MR. HUGHES: Have you ever seen this 22 letter yourself? 23 THE WITNESS: I've never seen it until 24 I was notified of this lawsuit. 25 MR. HUGHES: I mean -- I mean, it was</p>

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<p style="text-align: right;">Page 153</p> <p>1 an allegation in the lawsuit that there was a letter 2 sent, but the question is, have you ever seen that 3 letter before now?</p> <p>4 THE WITNESS: When I was notified -- it 5 may have been in the original lawsuit, but I -- 6 BY MR. HOLLAND:</p> <p>7 Q. Would you dispute that this letter was 8 sent to Captain Guy Means of the first precinct on 9 November 11th, 2015?</p> <p>10 A. I have no idea if it was sent to 11 Captain Means.</p> <p>12 Q. And I understand you haven't -- you 13 haven't seen this letter previously, but I just 14 wanted to ask you about some of the things in the 15 letter and, you know, given that you were involved 16 in the incident underlying the letter -- strike 17 that.</p> <p>18 I guess my one question is, if you had 19 seen this letter on November 11th, 2015, or any time 20 thereafter until December 12th, what would your 21 reaction have been in terms of the need for the 22 wanted?</p> <p>23 MR. HUGHES: Objection not only to 24 relevance but to the form of the question. It calls 25 for speculation and conjecture and it's</p>	<p style="text-align: right;">Page 155</p> <p>1 immediately.</p> <p>2 Q. Did you learn anything new from 3 Mr. Strode or Mr. Furlow on that day that you didn't 4 know on November 11th or any day thereafter?</p> <p>5 A. No.</p> <p>6 MR. HUGHES: Object to the form of the 7 question. It's argumentative. I objected to the 8 form of the question.</p> <p>9 MR. HOLLAND: I asked a simple 10 question.</p> <p>11 MR. HUGHES: Well, it is argumentative. 12 MR. HOLLAND: I asked him a question. 13 MR. HUGHES: I made my objection to the 14 form.</p> <p>15 BY MR. HOLLAND:</p> <p>16 Q. Let's take a look at the summons that 17 you issued to Mr. Furlow on that day. 18 (Exhibit 8 was marked for 19 identification.)</p> <p>20 BY MR. HOLLAND:</p> <p>21 Q. Entering as Exhibit 8, Bates numbers 22 DEFRFP1, a lot of zeros and then one. Do you 23 recognize this document?</p> <p>24 A. Yes.</p> <p>25 Q. Is this the summons that you issued to</p>
<p style="text-align: right;">Page 154</p> <p>1 argumentative.</p> <p>2 BY MR. HOLLAND:</p> <p>3 Q. Officer Partin, if you had read this 4 letter on November 11th, 2015, would you have 5 canceled the wanted?</p> <p>6 A. I would have looked to my superior for 7 guidance.</p> <p>8 Q. Why don't you tell me what happened on 9 December 12th, 2015.</p> <p>10 A. We were contacted earlier in the day 11 that Mr. Strode was going to be bringing Mr. Furlow 12 to turn himself in. He did not give a time frame. 13 We responded to Clayton when we found out that he 14 was here, but we were coming from, basically, 15 Jefferson County. That was the area we were working 16 way down south that day. And we got there as quick 17 as we could, considering traffic and finding a spot 18 to park.</p> <p>19 We came in, we contacted Mr. Strode and 20 Mr. Furlow. Mr. Strode said that Mr. Furlow didn't 21 want to talk to us, and we didn't do a warning and 22 waiver because he wasn't willing to speak with us. 23 We gave him a summons and told him to go to North 24 Division night court to appear on those charges and 25 that we told him that the wanted would be removed</p>	<p style="text-align: right;">Page 156</p> <p>1 Mr. -- Mr. Furlow following your meeting at the 2 precinct on December 12th?</p> <p>3 A. Yes.</p> <p>4 Q. What was your purpose when you drafted 5 this document?</p> <p>6 A. To cover the events of that night.</p> <p>7 Q. Would Mr. Furlow be going to court 8 based on the events of that night or based on the 9 events of November 11th?</p> <p>10 A. The events of November 11th.</p> <p>11 Q. Are those events described in this 12 document?</p> <p>13 A. At the very end, if you see where it 14 says, "See report for further," that would have -- 15 you're only given so many lines, but "see report for 16 further" would be a good indication to read the 17 police report since you have to write -- you're only 18 given so much room.</p> <p>19 Q. Who's reading this document?</p> <p>20 A. The County Counselor at night court.</p> <p>21 Q. And it's your testimony that they would 22 understand what "see report for further" would mean?</p> <p>23 A. I would assume so.</p> <p>24 Q. What is the purpose of the "by reason 25 of," in your experience? What's that section</p>

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<p>1 supposed to indicate?</p> <p>2 A. The incident.</p> <p>3 Q. And you just said there's only a</p> <p>4 limited amount of space here, but you didn't include</p> <p>5 anything about the incident; is that correct?</p> <p>6 MR. HUGHES: Well, objection.</p> <p>7 Argumentative. He did answer differently already,</p> <p>8 but go ahead. You can answer.</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. In this section what you just said is</p> <p>11 supposed to be about the incident. Is there</p> <p>12 anything other than the "see report for further"</p> <p>13 relating to the November 11th, 2015, incident?</p> <p>14 A. No.</p> <p>15 Q. Going up a little bit, the document</p> <p>16 says, "Defendant committed the following offense in</p> <p>17 the unincorporated portion of St. Louis, to wit,"</p> <p>18 then it says, "On or about 12/12/2015." Do you see</p> <p>19 that?</p> <p>20 A. Yes.</p> <p>21 Q. What incident -- what offense did</p> <p>22 Mr. Furlow commit on 12/12/2015?</p> <p>23 A. None.</p> <p>24 Q. What offense did Mr. Furlow commit at</p> <p>25 or near 100 South Central?</p>	<p>1 comment?</p> <p>2 A. I'm saying I do not remember that</p> <p>3 comment.</p> <p>4 Q. And on the topics of ranks of certain</p> <p>5 people, where does Captain Guy Means fall within the</p> <p>6 chain of command?</p> <p>7 A. We have probationary police officer,</p> <p>8 police officer, and then you have like -- I would</p> <p>9 assume that you would put field trainers above</p> <p>10 normal police officers, and then you'd have</p> <p>11 sergeants, lieutenants, captains.</p> <p>12 Q. At the time of November -- I know you</p> <p>13 said earlier you had some varying supervisors. Who</p> <p>14 was your supervisor on November 11th, 2015?</p> <p>15 A. I don't remember his name.</p> <p>16 Q. Other than Officer Slusser, who was</p> <p>17 your field trainer?</p> <p>18 A. I don't remember the sergeant's name.</p> <p>19 Q. Have you had any interactions with</p> <p>20 Mr. Furlow since December 12th, 2015?</p> <p>21 A. No.</p> <p>22 MR. HOLLAND: I don't have any further</p> <p>23 questions at this time. I will defer to my</p> <p>24 colleagues.</p> <p>25 MR. HUGHES: Well, I have some</p>
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<p>1 A. None.</p> <p>2 Q. Did you issue this summons because</p> <p>3 Mr. Furlow would not speak with you?</p> <p>4 A. No.</p> <p>5 Q. When you met with Mr. Furlow and his</p> <p>6 attorney at the Justice Center, do you recall</p> <p>7 yourself or Sergeant Curcuru -- excuse my --</p> <p>8 MR. HUGHES: Excuse me. Are you</p> <p>9 calling -- it says, "PO Curcuru." Are you saying</p> <p>10 Sergeant Curcuru?</p> <p>11 BY MR. HOLLAND:</p> <p>12 Q. Is Curcuru a police officer or a</p> <p>13 sergeant?</p> <p>14 A. Police officer.</p> <p>15 Q. My mistake. When you met Mr. Furlow</p> <p>16 and his attorney at the Justice Center on</p> <p>17 December 12th, 2015, do you recall yourself or</p> <p>18 Police Officer Curcuru stating that you would never</p> <p>19 rely on statements by a minor to issue a summons in</p> <p>20 a case like Mr. Furlow's?</p> <p>21 A. I do not remember that comment.</p> <p>22 Q. Is it possible that you said something</p> <p>23 like that?</p> <p>24 A. I do not remember that comment.</p> <p>25 Q. Are you saying you did not say that</p>	<p>1 questions.</p> <p>2 MR. HOLLAND: Do you want to take --</p> <p>3 can we take a short break? It's been about an hour</p> <p>4 and ten minutes. Take a quick break.</p> <p>5 THE VIDEOGRAPHER: The time is 2:18.</p> <p>6 We are off the record.</p> <p>7 (Recess taken.)</p> <p>8 THE VIDEOGRAPHER: The time is 2:24.</p> <p>9 We are back on the record.</p> <p>10 MR. HOLLAND: I will pass the witness.</p> <p>11 EXAMINATION</p> <p>12 BY MR. HUGHES:</p> <p>13 Q. Thank you. Officer Partin, I have a</p> <p>14 few questions. Oh, by the way, do you have Gomez</p> <p>15 Exhibit 4?</p> <p>16 MR. HOLLAND: Do you have a Bates</p> <p>17 number for that?</p> <p>18 MR. HUGHES: Excuse me. I'm going to</p> <p>19 hand the first amended complaint, which was -- I</p> <p>20 don't have the original Gomez Exhibit 4, but I've</p> <p>21 got a copy here for you. This is -- this was Gomez</p> <p>22 Exhibit 4.</p> <p>23 Q. And I don't believe in duplicating</p> <p>24 exhibits, so we'll -- what was -- you see Gomez</p> <p>25 Exhibit 4, which is the first amended complaint</p>

40 (Pages 157 to 160)

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<p>1 filed in this lawsuit. Do you see that, Officer</p> <p>2 Partin?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And, you know, could we go</p> <p>5 through this a little bit? And I guess I'm going to</p> <p>6 mostly concentrate on the allegations concerning</p> <p>7 you. Paragraph 32, that's on page 9 of Gomez</p> <p>8 Exhibit 4; do you see that?</p> <p>9 A. Yes.</p> <p>10 Q. So -- so you see in the first amended</p> <p>11 complaint, paragraph 32, it is alleged that shortly</p> <p>12 after Mr. Furlow's departure from home on the</p> <p>13 morning of November 11th, 2015, Mr. Furlow's minor</p> <p>14 son was attacked by his adult female neighbor; do</p> <p>15 you see that?</p> <p>16 A. Yes.</p> <p>17 Q. Did I read that allegation accurately?</p> <p>18 A. Yes.</p> <p>19 Q. And just so we understand, Mr. Furlow's</p> <p>20 minor son, was that [REDACTED]?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And you talked to [REDACTED]; is</p> <p>23 that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Did [REDACTED] ever once tell you that he</p>	<p>1 Mr. Furlow had stolen her cell phone?</p> <p>2 A. Yes.</p> <p>3 Q. So just so we understand, you didn't</p> <p>4 arrive on the scene making accusations against</p> <p>5 Mr. Furlow; would that be correct?</p> <p>6 A. Correct.</p> <p>7 Q. Other people were -- or some other</p> <p>8 person was making an allegation?</p> <p>9 A. Yes.</p> <p>10 Q. Well, let's put it this way: When you</p> <p>11 arrived on the scene, did you have any idea what was</p> <p>12 going on?</p> <p>13 A. No.</p> <p>14 Q. Were you trying to sort things out?</p> <p>15 A. Yes.</p> <p>16 Q. And how do you try to sort things out?</p> <p>17 A. Talking to people.</p> <p>18 Q. And did you try to talk to people?</p> <p>19 A. Yes.</p> <p>20 Q. And you talked to more than one person;</p> <p>21 is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And, you know, you talked to this Janet</p> <p>24 Virgin; is that correct?</p> <p>25 A. Yes.</p>
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<p>1 was attacked by his adult female neighbor?</p> <p>2 A. No.</p> <p>3 Q. Now, you indicated that you did try to</p> <p>4 speak with people on the scene; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And you spoke to at least one person on</p> <p>7 the scene; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. Were you told by that person for</p> <p>10 anyone -- by anyone that the son, [REDACTED], was</p> <p>11 attacked by the adult female neighbor?</p> <p>12 A. No.</p> <p>13 Q. Okay. And when you spoke to Dwayne</p> <p>14 Furlow on his son's cell phone, did he ever say to</p> <p>15 you that this adult female attacked my son?</p> <p>16 A. He didn't explicitly say an adult</p> <p>17 female attacked his son.</p> <p>18 Q. Okay. And now, paragraph 33, it says,</p> <p>19 "When police arrived, the adult female neighbor</p> <p>20 alleged as a basis for the conflict that Mr. Furlow</p> <p>21 had stolen her cell phone earlier that morning." Is</p> <p>22 that correct?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. So is it basically correct that</p> <p>25 the adult female neighbor had alleged that</p>	<p>1 Q. And you talked to some kids; is that</p> <p>2 correct?</p> <p>3 A. Yes.</p> <p>4 Q. And you gave their names to -- by the</p> <p>5 way, did any of those other kids you talked to say</p> <p>6 that an adult female had attacked [REDACTED]?</p> <p>7 A. No.</p> <p>8 Q. Okay. And -- but anyway, you're there</p> <p>9 sorting something out; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. Was there a cab driver on the scene?</p> <p>12 A. Yes.</p> <p>13 Q. Did -- did -- did that cab driver, by</p> <p>14 any chance, say that the adult female had attacked a</p> <p>15 child?</p> <p>16 A. No.</p> <p>17 Q. Okay. And -- so anyway, what they</p> <p>18 allege, you know, in paragraph 33, certainly has</p> <p>19 some element of truth that the adult female did say</p> <p>20 that Mr. Furlow had stolen her cell phone; is that</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. Now, if someone tells you that they had</p> <p>24 stolen their cell phone, are you supposed to just</p> <p>25 say, well, that's just a neighborly dispute and get</p>

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<p>1 up and leave?</p> <p>2 MR. HOLLAND: Objection. Form.</p> <p>3 BY MR. HUGHES:</p> <p>4 Q. Are you, Officer?</p> <p>5 A. No.</p> <p>6 Q. No. Are you -- what are you obligated</p> <p>7 to do?</p> <p>8 A. Investigate.</p> <p>9 Q. And did you?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. So -- and again, this goes</p> <p>12 without saying, but you indicated that you responded</p> <p>13 to the 911 call; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. And you arrived two minutes after it</p> <p>16 was dispatched to you; is that correct?</p> <p>17 A. Correct.</p> <p>18 Q. And that was three minutes after the</p> <p>19 911 call had come in; is that correct?</p> <p>20 A. Correct.</p> <p>21 Q. So from looking at the records, the</p> <p>22 police report, you were there three minutes after</p> <p>23 the event; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Whatever it was. And then you had to</p>	<p>1 Q. And by the way, you mentioned earlier</p> <p>2 that [REDACTED] handed you his cell phone -- is that</p> <p>3 correct -- at some point?</p> <p>4 A. Yes.</p> <p>5 Q. Did you know -- so you know [REDACTED] did</p> <p>6 not call you on his cell phone. He handed you his</p> <p>7 cell phone; is that correct?</p> <p>8 A. Yes.</p> <p>9 Q. So you would not have the cell phone</p> <p>10 number of [REDACTED] unless it's written -- was the</p> <p>11 cell phone number written on the cell phone?</p> <p>12 A. I didn't see it.</p> <p>13 Q. So you would not know his cell phone</p> <p>14 number; is that a fair statement?</p> <p>15 A. Correct.</p> <p>16 Q. Now, you testified earlier that you did</p> <p>17 talk to Mr. Furlow on the telephone; is that</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Or at least you spoke to someone -- you</p> <p>21 spoke to a voice; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And that voice was identified by</p> <p>24 [REDACTED] as his dad?</p> <p>25 A. Yes.</p>
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<p>1 try to sort it out; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And paragraph 34 has this allegation,</p> <p>4 "Responding to this allegation, Officer Partin of</p> <p>5 the St. Louis County Police Department called</p> <p>6 Mr. Furlow on Mr. Furlow's cell phone." Do you see</p> <p>7 that?</p> <p>8 A. Yes.</p> <p>9 Q. Did I read that accurately?</p> <p>10 A. Yes.</p> <p>11 Q. Did you know Mr. Furlow's cell phone</p> <p>12 number?</p> <p>13 A. No.</p> <p>14 Q. So if you did not know his cell phone</p> <p>15 number, how could you possibly call Mr. Furlow?</p> <p>16 A. I didn't.</p> <p>17 Q. Did you -- I don't even know if you had</p> <p>18 a land line number, but let's ask you that. Did you</p> <p>19 call a land line number --</p> <p>20 A. No.</p> <p>21 Q. -- of Mr. Furlow?</p> <p>22 And so, in fact, this allegation that</p> <p>23 you called Mr. Furlow or Mr. Furlow's cell phone is</p> <p>24 inaccurate; is that correct?</p> <p>25 A. Correct.</p>	<p>1 Q. And so you -- but you did not see him</p> <p>2 in person; is that correct?</p> <p>3 A. Correct.</p> <p>4 Q. But this voice you were talking to, if</p> <p>5 it was Mr. Furlow, you -- you had responded just</p> <p>6 minutes after the event happened; is that correct?</p> <p>7 A. Correct.</p> <p>8 MR. HOLLAND: Objection.</p> <p>9 BY MR. HUGHES:</p> <p>10 Q. And either -- and if he was on the</p> <p>11 scene at the time of the incident happened and he</p> <p>12 was not on the scene when you talked to him on the</p> <p>13 phone, could you conclude that he fled the scene?</p> <p>14 A. Yes.</p> <p>15 Q. Would that be a reasonable conclusion</p> <p>16 by a reasonable officer?</p> <p>17 MR. HOLLAND: Objection.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. HUGHES:</p> <p>20 Q. Okay. And let me ask you this. Well,</p> <p>21 I think you testified earlier that initially he was</p> <p>22 talkative; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. At some point -- okay. When he was</p> <p>25 talkative, did you listen to what he said?</p>

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<p>1 A. Yes.</p> <p>2 Q. Now, at this point you had already</p> <p>3 gotten the story from Janet Virgin; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. But initially had you talked to the</p> <p>6 other independent -- the independent witness yet the</p> <p>7 first time the cell phone was given to you?</p> <p>8 A. I don't think so.</p> <p>9 Q. But now -- but anyway, at some point</p> <p>10 did Mr. -- did this voice, who was identified by</p> <p>11 ██████ as his dad, did this voice become</p> <p>12 non-talkative?</p> <p>13 A. Yes.</p> <p>14 MR. HOLLAND: Objection.</p> <p>15 BY MR. HUGHES:</p> <p>16 Q. Could you explain how that was or what</p> <p>17 you said or what caused him to become non-talkative?</p> <p>18 MR. HOLLAND: Objection.</p> <p>19 THE WITNESS: When I started -- he</p> <p>20 started getting quiet after I asked him questions in</p> <p>21 regards to the allegation of the cell phone</p> <p>22 theft.</p> <p>23 BY MR. HUGHES:</p> <p>24 Q. According to after you asked him</p> <p>25 allegations regarding the cell phone theft; is that</p>	<p>1 you were knocking on doors, tell us again what</p> <p>2 the -- well, I'll tell you what. Let's -- let's</p> <p>3 look at the police report. Let's look at what's</p> <p>4 been marked as Partin Exhibit 6; do you see that?</p> <p>5 A. Yes.</p> <p>6 Q. And let's just go through -- let's go</p> <p>7 down the line. It says, "Call received: Radio."</p> <p>8 Now, is that generated by you or is that generated</p> <p>9 by someone else?</p> <p>10 MR. HOLLAND: Objection. Asked and</p> <p>11 answered.</p> <p>12 THE WITNESS: It's generated by the CAD</p> <p>13 system.</p> <p>14 BY MR. HUGHES:</p> <p>15 Q. Okay. Generated by the CAD system.</p> <p>16 All right. And then where it says what time the</p> <p>17 call came in, is that generated by the CAD system?</p> <p>18 A. Yes.</p> <p>19 Q. And, you know, it says there -- and</p> <p>20 that's the 911 call; is that correct?</p> <p>21 A. Received as the 911 call and dispatch</p> <p>22 is when patrol officers received it.</p> <p>23 Q. Yeah. So what was received, just to</p> <p>24 have this in good chronological order, was at 0857;</p> <p>25 is that correct?</p>
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<p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. And that's when he became</p> <p>4 non-talkative; is that correct?</p> <p>5 MR. HOLLAND: Objection.</p> <p>6 THE WITNESS: Yes.</p> <p>7 BY MR. HUGHES:</p> <p>8 Q. Okay. Now -- and then after that, you</p> <p>9 testified earlier, I believe, that you did -- you</p> <p>10 knocked on doors or you looked for other witnesses;</p> <p>11 is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. Is that because, once again, the theft</p> <p>14 of a phone is not considered a neighborly thing but</p> <p>15 is considered something a police officer must</p> <p>16 investigate; is that correct?</p> <p>17 MR. HOLLAND: Objection to form.</p> <p>18 THE WITNESS: Yes.</p> <p>19 BY MR. HUGHES:</p> <p>20 Q. Okay. And as a reasonable police</p> <p>21 officer on the scene, you thought it was your</p> <p>22 obligation to investigate the allegation of theft of</p> <p>23 that phone; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And -- okay. Now, after you --</p>	<p>1 MR. HOLLAND: Asked and answered.</p> <p>2 THE WITNESS: Yes.</p> <p>3 BY MR. HUGHES:</p> <p>4 Q. And then it indicates "Nature:</p> <p>5 Assault." Do you see that?</p> <p>6 A. Yes.</p> <p>7 Q. Is that CAD-generated, that term there?</p> <p>8 A. It -- that's what the call comes out</p> <p>9 as. It can be adjusted. In this sentence it was</p> <p>10 not.</p> <p>11 Q. Okay. So in other words, this written</p> <p>12 down as an assault was generated by the CAD; in</p> <p>13 other words, I think that's computer-aided dispatch</p> <p>14 or something like that; is that correct?</p> <p>15 A. Yeah.</p> <p>16 Q. So that's the -- you know, what the</p> <p>17 dispatcher called it out as, as an assault; is that</p> <p>18 correct?</p> <p>19 A. Yes.</p> <p>20 Q. Initially? Okay. And then it</p> <p>21 indicates that you -- a dispatch went out at 0858;</p> <p>22 is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And then you arrive at 0900; is that</p> <p>25 correct?</p>

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<p>1 A. Yes.</p> <p>2 Q. At 116 Glen Garry Road, St. Louis</p> <p>3 County, Missouri; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. And -- and then it lists various</p> <p>6 officers, and one of them was Slusser; is that</p> <p>7 correct?</p> <p>8 A. Yes.</p> <p>9 Q. And that was your field training</p> <p>10 officer; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And it turned out there are some --</p> <p>13 another field training officer had arrived on the</p> <p>14 scene and another -- with another officer who was in</p> <p>15 field training; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. Okay. So on page 2, there is the -- it</p> <p>18 says, "Victim information"; is that correct, at the</p> <p>19 top of page 2, a black line and white lettering,</p> <p>20 "Victim information"?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And then it has "medical</p> <p>23 assistance" with a checkmark. What does that mean;</p> <p>24 do you know?</p> <p>25 A. I think we -- I think we did have</p>	<p>1 happened, you would never have been able to tell.</p> <p>2 Q. Okay. But -- and there wasn't any</p> <p>3 blood, as you mentioned earlier?</p> <p>4 A. Correct.</p> <p>5 Q. But you did believe there was some sort</p> <p>6 of mark; is that correct?</p> <p>7 A. Yes.</p> <p>8 Q. And you mentioned paramedics. Just so</p> <p>9 I understand, you did not call paramedics; is that</p> <p>10 correct?</p> <p>11 A. I think we did. We did call them.</p> <p>12 Q. Do you know that or was that just from</p> <p>13 the initial 911 -- 911 call that the 911 operator</p> <p>14 notified paramedics to go to the scene?</p> <p>15 A. I don't think they dispatched them for</p> <p>16 the fight. I think we called for them.</p> <p>17 Q. Okay. So after -- as part of your</p> <p>18 investigation after talking to the victim, you</p> <p>19 believe you called for paramedics; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And then "injury</p> <p>22 description," you know, again, where Mr. Holland</p> <p>23 pointed out "probable not apparent," but as I -- I</p> <p>24 don't recall he pointed out "injury description" and</p> <p>25 what's written there is "punched in the head"; is</p>
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<p>1 paramedics come out and she refused treatment.</p> <p>2 Q. Okay. And then to the right it has</p> <p>3 "will prosecute" and a checkmark; do you see that?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And just to your knowledge of</p> <p>6 court procedures, you know, if someone will</p> <p>7 prosecute, that would mean the victim would</p> <p>8 prosecute; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. So the victim here is listed as who?</p> <p>11 A. Janet Virgin.</p> <p>12 Q. Okay. And it gives her address; is</p> <p>13 that correct?</p> <p>14 A. Yes.</p> <p>15 Q. And her address then was [REDACTED]</p> <p>16 [REDACTED]; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. Now, you -- as was pointed out by</p> <p>19 Mr. Holland under "injury class," it says, "Probable</p> <p>20 not apparent"; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And tell us why you put probable.</p> <p>23 A. If you were really looking at it, you</p> <p>24 could see it, but if you weren't really looking --</p> <p>25 if you didn't know that something like this had</p>	<p>1 that correct?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. So would you agree that a punch</p> <p>4 in the head would be considered -- if that happened,</p> <p>5 would you agree that would be considered an assault?</p> <p>6 A. Yes.</p> <p>7 Q. You know, maybe not, you know, assault</p> <p>8 in the first degree, but at least an assault to be</p> <p>9 sent, if nothing else, an ordinance violation; is</p> <p>10 that correct?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And -- and then you did list the</p> <p>13 name -- oh, under "treatment disposition," it is</p> <p>14 written "refused treatment"; is that correct?</p> <p>15 A. Yes.</p> <p>16 Q. So that would indicate that, you know,</p> <p>17 paramedics did talk to the victim and the victim</p> <p>18 said, no, I don't need to go to the hospital, or</p> <p>19 something to that effect; would that be a fair</p> <p>20 statement?</p> <p>21 A. Yes.</p> <p>22 Q. Okay. And then it has the witness and</p> <p>23 you list [REDACTED]; isn't that correct?</p> <p>24 A. Yes.</p> <p>25 Q. Okay. And it lists his address; is</p>

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<p>1 that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And that's nearby; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And is that the independent</p> <p>6 person that you talked to --</p> <p>7 A. Yes.</p> <p>8 Q. -- that did talk to you; is that</p> <p>9 correct?</p> <p>10 A. Yes.</p> <p>11 Q. And other people you did knock on the</p> <p>12 door, but they would not answer the door for you; is</p> <p>13 that correct?</p> <p>14 A. Correct.</p> <p>15 Q. And then we go to the next page, and it</p> <p>16 says, "Charges: Assault third, stealing under</p> <p>17 \$500." Do you see that?</p> <p>18 A. Yes.</p> <p>19 Q. And it indicates the name Furlow</p> <p>20 Dwayne; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And it gives some information about</p> <p>23 him, such as his height and his weight. Do you see</p> <p>24 that?</p> <p>25 A. Yes.</p>	<p>1 which I don't recognize. Can you explain that to</p> <p>2 me?</p> <p>3 A. If I remember correctly, that was the</p> <p>4 actual address of his last known.</p> <p>5 Q. Okay. Would you have gotten that off</p> <p>6 the DOR records, for example?</p> <p>7 A. Yeah.</p> <p>8 Q. Okay. And Department of Revenue, DOR,</p> <p>9 okay. And then "property information," the owner of</p> <p>10 the property was listed as Janet Virgin. Did I read</p> <p>11 that correctly?</p> <p>12 A. Yes.</p> <p>13 Q. And property says, "Stolen"; is that</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. "Item: Cell phone"; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. "Manufacturer: Cricket. Property</p> <p>19 value \$175."</p> <p>20 A. Yeah.</p> <p>21 Q. Did you get that information -- did you</p> <p>22 get that information from Ms. Virgin?</p> <p>23 A. Yes.</p> <p>24 Q. Okay. And it says, "Procedure</p> <p>25 information." It says, "Neighborhood canvass," and</p>
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<p>1 Q. Where did you get that information</p> <p>2 from?</p> <p>3 A. One of the computer systems.</p> <p>4 Q. Okay. So you could check, like, for</p> <p>5 example, the driver's license information? I guess</p> <p>6 DOR, you mentioned that; is that correct?</p> <p>7 A. Yeah.</p> <p>8 Q. Does that generally have people's</p> <p>9 height and weight?</p> <p>10 A. Yeah.</p> <p>11 Q. If it's true that he's 5 foot 11,</p> <p>12 190 pounds, that he's -- would you agree is pretty</p> <p>13 big size?</p> <p>14 MR. HOLLAND: Objection to form.</p> <p>15 MR. HUGHES: 190 pounder?</p> <p>16 THE WITNESS: Yeah.</p> <p>17 BY MR. HUGHES:</p> <p>18 Q. If it's true a 190 pounder punched a</p> <p>19 female in the head, you would not consider that a --</p> <p>20 as Mr. Holland referred to it as a, quote,</p> <p>21 neighborly thing, unquote?</p> <p>22 MR. HOLLAND: Objection to form.</p> <p>23 THE WITNESS: No.</p> <p>24 BY MR. HUGHES:</p> <p>25 Q. Okay. And it has a street address,</p>	<p>1 there's a checkmark; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. So you did canvass the neighborhood,</p> <p>4 looking for more witnesses, and you put that in your</p> <p>5 report; is that correct?</p> <p>6 MR. HOLLAND: Objection. Asked and</p> <p>7 answered.</p> <p>8 THE WITNESS: Yes.</p> <p>9 BY MR. HUGHES:</p> <p>10 Q. Is that something that your field</p> <p>11 training officer, you know, suggested that you do?</p> <p>12 A. He didn't suggest that we do it. We</p> <p>13 just did it.</p> <p>14 Q. So he did it also?</p> <p>15 A. Me and -- I did it.</p> <p>16 Q. Okay. But anyway, you just did it?</p> <p>17 A. Yeah.</p> <p>18 Q. Okay. By this point in your field</p> <p>19 training you knew enough to do it; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. And you're supposed to try to impress</p> <p>22 your field training instructor; is that correct?</p> <p>23 MR. HOLLAND: Objection.</p> <p>24 THE WITNESS: Yes.</p> <p>25 MR. HUGHES: That you know what to do?</p>

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<p>1 Q. Okay. And then let's get into your 2 narrative. "On 11/11/2015, at approximately 3 8:50 a.m., Police Officer Slusser and I responded to 4 116 Glen Garry in reference to an assault"; is that 5 correct? 6 A. Yes. 7 Q. Again, in reference to an assault, that 8 would have been how the 911 call was -- or strike 9 that. 10 In reference to an assault, that's how 11 the dispatch would have come into you; is that 12 correct? 13 A. Yes. 14 MR. HOLLAND: Objection. 15 BY MR. HUGHES: 16 Q. And it says, "Upon arrival, I made 17 contact with the reporting party identified as Janet 18 Virgin who resides at [REDACTED]." Do you see 19 that? 20 A. Yes. 21 Q. Did I read that correctly? 22 A. Yes. 23 Q. "Virgin explained that there have been 24 ongoing issues with Dwayne Furlow, Latoya Furlow, 25 and [REDACTED], who reside at 116 Glen Garry."</p>	<p>1 A. Yes. 2 Q. -- "came after her and took the phone 3 from her with some force but Virgin could not recall 4 exactly what" -- you put he -- "exactly what he 5 did"; is that correct? 6 A. Yeah. 7 Q. Was she a little bit excitable that 8 day? 9 A. Yes. 10 Q. Let me ask you this. Maybe she was 11 excitable. I mean, if she was, that would be 12 understandable. Did she appear to you that day that 13 she had, you know, any mental health issues that 14 were apparent to you? 15 MR. HOLLAND: Objection -- 16 THE WITNESS: No. 17 MR. HOLLAND: -- to the colloquy. 18 Objection to form. 19 MR. HUGHES: I'm sorry, what? 20 MR. HOLLAND: Objection to form and the 21 preceding colloquy. 22 BY MR. HUGHES: 23 Q. Okay. She did not appear to you to 24 have any -- you know, nothing that was apparent to 25 you --</p>
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<p>1 Did I read that correctly? 2 A. Yes. 3 Q. "Virgin stated her children, [REDACTED] 4 [REDACTED] and [REDACTED], were verbally harassed by 5 [REDACTED] and an unknown juvenile. Virgin 6 stated [REDACTED] began fighting with [REDACTED] 7 and [REDACTED]. D. Furlow and Latoya Furlow stood by and 8 watched the altercation and did not break it up." 9 Let me ask you a question about that. 10 Are you just reporting what she told you -- 11 MR. HOLLAND: Objection to form. 12 BY MR. HUGHES: 13 Q. -- with regard to Dwayne Furlow and 14 Latoya Furlow being present and standing by and 15 watching the altercation? 16 A. Yes. 17 MR. HOLLAND: Objection to form. 18 THE WITNESS: That's what Virgin had 19 stated on the scene. 20 BY MR. HUGHES: 21 Q. Okay. And so then after that, it 22 stated, "Virgin stated she began recording the 23 incident on her Android ZTE smartphone. Virgin 24 explained after recording started, D. Furlow" -- I 25 guess that's Dwayne Furlow; is that correct?</p>	<p>1 A. No. 2 Q. -- that she had mental health issues? 3 So -- okay. And you didn't know her 4 before? 5 A. No. 6 Q. And you didn't know Dwayne Furlow 7 before; is that a fair statement? 8 A. Correct. 9 Q. And then it says, "I've made contact 10 with D. Furlow and Latoya Furlow via [REDACTED]'s cell 11 phone, who stated at first he heard an altercation 12 out on the front lawn and did not see anyone 13 fighting. After continuing to speak with D. 14 Furlow," Dwayne Furlow, "he then changed his account 15 of the incident and stated he saw and heard the 16 fight. Dwayne Furlow advised he tried to break up 17 the altercation." 18 Let me ask you this: You alluded to 19 something earlier in your testimony when Mr. Holland 20 was asking you questions. You alluded to something 21 about there was at least a second time that [REDACTED] 22 handed you his cell phone? 23 A. Yes. 24 Q. Okay. I don't get it. Can you explain 25 that to me?</p>

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<p>1 A. Well, I can't -- I had talked to him, 2 and I tried to talk to him about the assault and 3 then tried to get him to come back to the property 4 to talk to me about the allegations of the assault 5 and that -- and so I could figure out what was 6 actually going on with the fight. And after -- 7 after being told for, I think, the second or third 8 time to do my F'ing job, I got tired of being 9 berated when I was trying to do my job and figure 10 out what was going on, so I handed him back the 11 phone, and then I continued to try and investigate 12 what was going on, but then he handed me the phone 13 again and --</p> <p>14 Q. Okay. My -- here's my question: When 15 he handed you the phone again, did you -- did 16 just say, Here, my dad wants to talk to you 17 again, or did you say to , Can I talk to your 18 dad again? I don't get that.</p> <p>19 A. It was saying he wanted to talk 20 to me again.</p> <p>21 Q. Oh, okay. Did he -- did -- after 22 said his dad wants to talk to you again, did 23 you bring up the subject about the cell phone or did 24 you make some statements to him or -- to Dwayne or 25 what, or to -- to the voice who you -- who probably</p>	<p>1 eyewitness; is that correct?</p> <p>2 A. Yes.</p> <p>3 Q. And did you believe then you had 4 probable cause to either arrest Mr. Furlow or give 5 him a summons for the night court?</p> <p>6 A. Yes.</p> <p>7 Q. Okay. So you believe, in good faith as 8 an officer on the scene trying to do your job, that 9 you had probable cause and you asked him to go and 10 talk to you in person; is that correct?</p> <p>11 A. Yes.</p> <p>12 Q. And if he came and talked to you in 13 person, would you have talked to him in person?</p> <p>14 MR. HOLLAND: Objection.</p> <p>15 THE WITNESS: If he was willing to talk 16 to me, yes. If not --</p> <p>17 BY MR. HUGHES:</p> <p>18 Q. And then would you have made a judgment 19 call at that point to either, you know -- if it 20 seemed to be a dangerous situation to take him for 21 booking or get him away from the danger, or if it 22 wasn't dangerous, to just issue him a summons to 23 appear in night court?</p> <p>24 MR. HOLLAND: Objection.</p> <p>25 THE WITNESS: Yes.</p>
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<p>1 was or at least you thought was Dwayne?</p> <p>2 MR. HOLLAND: Objection.</p> <p>3 THE WITNESS: I -- I told him what I 4 had, and I told him I had more than enough probable 5 cause to place him out as wanted for the assault and 6 theft of the phone, and he was like, "Man, do your 7 F'ing job." He kept -- he said it numerous times.</p> <p>8 BY MR. HUGHES:</p> <p>9 Q. Anyway, your report says, "When 10 questioned about taking Virgin's cell phone, D. 11 Furlow denied taking Virgin's property. D. Furlow 12 refused to return to the scene and speak with me." 13 Is that correct?</p> <p>14 A. It was trying to get him to return to 15 the scene and speak with me. It wasn't just about 16 the phone or the assault. It was about his kids 17 fighting and those issues.</p> <p>18 Q. All right. You're still trying to sort 19 everything out; is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. But anyway -- and but at this point, 22 you did have a statement from Ms. Virgin; is that 23 correct?</p> <p>24 A. Yes.</p> <p>25 Q. And you had a statement from another</p>	<p>1 BY MR. HUGHES:</p> <p>2 Q. Okay. Can I see this?</p> <p>3 In paragraph 21 of the first amended 4 complaint, Gomez Exhibit 4, just so we understand, 5 it just alleges generally "Subjects of wanted often 6 do not know they have been designated for arrest by 7 defendants pursuant to a wanted." In this 8 particular case, did you come right out and tell 9 Mr. Furlow -- strike that.</p> <p>10 In this particular case, after you had 11 already determined you had probable cause for 12 arrest, did you actually tell Mr. Furlow that you 13 would issue a wanted; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. So he knew about it; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And as was brought up by Mr. Holland, 18 you had numerous telephone calls with Blake Strode; 19 is that correct?</p> <p>20 A. Yes.</p> <p>21 Q. So would it be a fair statement that 22 it's obvious to you that Mr. Furlow knew that there 23 was a wanted out for him; is that correct?</p> <p>24 A. Yes.</p> <p>25 Q. And as it turned out, when he</p>

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<p>1 ultimately appeared a month and a day after this</p> <p>2 happened and you issued a summons, the wanted was</p> <p>3 canceled by you that very day; is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. And if he had appeared with Mr. Strode,</p> <p>6 you know, the next day or the day after or three</p> <p>7 days after and you issued a summons, you would have</p> <p>8 canceled the wanted then too; is that correct?</p> <p>9 A. Correct.</p> <p>10 MR. HOLLAND: Objection. Form.</p> <p>11 BY MR. HUGHES:</p> <p>12 Q. In paragraph 23, it's alleged that</p> <p>13 wanteds are issued to punish people. Did you issue</p> <p>14 a wanted on Dwayne Furlow for the purpose of</p> <p>15 punishing him?</p> <p>16 A. No.</p> <p>17 MR. HOLLAND: Objection to form.</p> <p>18 BY MR. HUGHES:</p> <p>19 Q. Did you issue a wanted because you had</p> <p>20 probable cause to believe he committed some offense</p> <p>21 and he -- is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. And in paragraph 24, it's</p> <p>24 alleged that police officers issue wanteds to</p> <p>25 demonstrate the authority over an individual. Did</p>	<p>1 A. Yes.</p> <p>2 Q. And this field training officer, you</p> <p>3 and he go back and forth in discussing these things;</p> <p>4 is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. Was your field training officer fully</p> <p>7 aware that the wanted was being issued?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. And paragraph 41 alleges that</p> <p>10 counsel for plaintiffs spoke with Officer Partin.</p> <p>11 Now, who was that counsel?</p> <p>12 A. Blake Strode.</p> <p>13 Q. And you're aware that in this Gomez</p> <p>14 Exhibit 4, Blake Strode is listed as the lead</p> <p>15 counsel with the first signature on page 35, first</p> <p>16 electronic signature?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And paragraph 45 alleges that</p> <p>19 counsel for Furlow contacted you several times by</p> <p>20 telephone to arrange a time to deliver Mr. Furlow to</p> <p>21 Officer Partin's station or precinct; do you see</p> <p>22 that?</p> <p>23 A. Yes.</p> <p>24 Q. You know, again, this is alleged in</p> <p>25 paragraph 45 that Counsel contacted you several</p>
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<p>1 you ask for a wanted on Dwayne Furlow for the</p> <p>2 purpose of exercising your authority over him?</p> <p>3 MR. HOLLAND: Objection to form.</p> <p>4 THE WITNESS: No.</p> <p>5 BY MR. HUGHES:</p> <p>6 Q. Did you exercise -- ask for a wanted in</p> <p>7 order -- because -- did you ask for a wanted because</p> <p>8 you believed there was probable cause to believe</p> <p>9 that he committed some sort of an assault and some</p> <p>10 sort of theft of property?</p> <p>11 A. Yes.</p> <p>12 MR. HOLLAND: Objection. Asked and</p> <p>13 answered.</p> <p>14 BY MR. HUGHES:</p> <p>15 Q. Okay. Did -- paragraph 22, it</p> <p>16 mentions, you know, quantity -- you know, this</p> <p>17 scheme is at the whim of police officers. Did you</p> <p>18 ask for a wanted on Dwayne Furlow on a mere whim?</p> <p>19 A. No.</p> <p>20 MR. HOLLAND: Objection.</p> <p>21 BY MR. HUGHES:</p> <p>22 Q. Again, you had probable cause?</p> <p>23 A. Yes.</p> <p>24 Q. And again, you had your field training</p> <p>25 officer with you?</p>	<p>1 times by telephone to attempt to arrange a time to</p> <p>2 deliver Mr. Furlow to Officer Partin's station or</p> <p>3 precinct. Did you ever refuse to say no, I'm not</p> <p>4 going to allow you to deliver him to -- you know, to</p> <p>5 me at my station or precinct?</p> <p>6 A. No.</p> <p>7 Q. In fact, I think you alluded to this</p> <p>8 earlier, you even told him what days you would be</p> <p>9 working; is that correct?</p> <p>10 A. Yes.</p> <p>11 Q. And the reason you told him what days</p> <p>12 you would be working would be -- and correct me if</p> <p>13 I'm wrong -- to make it easier on them so that he</p> <p>14 could be released on a summons; is that correct?</p> <p>15 MR. HOLLAND: Objection to form.</p> <p>16 THE WITNESS: Yes.</p> <p>17 BY MR. HUGHES:</p> <p>18 Q. If I'm not correct, will you explain</p> <p>19 it? I mean, well, since there is an objection as to</p> <p>20 form, he didn't state what was wrong with the form.</p> <p>21 But assuming he says it was leading, why don't you</p> <p>22 tell us why you told him the dates that you were</p> <p>23 working.</p> <p>24 A. So that I wouldn't be inconvenienced on</p> <p>25 my day off.</p>

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<p>1 Q. Okay. So you wouldn't be</p> <p>2 inconvenienced, okay. So he -- but would it be true</p> <p>3 he -- they also would not be inconvenienced?</p> <p>4 A. Yeah.</p> <p>5 Q. Okay.</p> <p>6 A. Because if he would have turned himself</p> <p>7 into the station and they would have known I was</p> <p>8 off, they would have arrested him, transported him</p> <p>9 to Clayton, and then called me to come back to work.</p> <p>10 Q. Okay. Now, on page 48 -- excuse me, on</p> <p>11 paragraph 48, which is page 11 of the first amended</p> <p>12 complaint, it indicates that Mr. Furlow, accompanied</p> <p>13 by Counsel, turned himself in to St. Louis County's</p> <p>14 jail on the evening of December 12th, 2015; do you</p> <p>15 see that?</p> <p>16 A. Yes.</p> <p>17 Q. And let's just see, though, if we have</p> <p>18 the full story. You were working that day; is that</p> <p>19 correct?</p> <p>20 A. Yes.</p> <p>21 Q. But at this time you were working the</p> <p>22 Afton precinct; is that correct?</p> <p>23 A. Yes.</p> <p>24 Q. And I think you said something like you</p> <p>25 were practically in Jefferson County. What you mean</p>	<p>1 month --</p> <p>2 MR. HOLLAND: Please don't interrupt</p> <p>3 the witness.</p> <p>4 BY MR. HUGHES:</p> <p>5 Q. I'll let you finish. Are you saying he</p> <p>6 was breaking promises when he was going to turn</p> <p>7 himself in?</p> <p>8 MR. HOLLAND: Why don't you let him</p> <p>9 finish his first answer, and then you can ask him</p> <p>10 the follow-up question.</p> <p>11 THE WITNESS: So the --</p> <p>12 BY MR. HUGHES:</p> <p>13 Q. Just answer the question any way you</p> <p>14 want. Go ahead and answer -- maybe I shouldn't have</p> <p>15 interrupted. Just answer the question.</p> <p>16 A. So for the entire month, I mean, that</p> <p>17 night I didn't believe that he was going to turn</p> <p>18 himself in. For -- for the whole month of November,</p> <p>19 from the time the incident happened to</p> <p>20 December 12th, he said he was going to turn him</p> <p>21 in -- he was going to respond and turn him in and so</p> <p>22 we could be done with this matter. I had heard this</p> <p>23 numerous times and it never happened, so when he</p> <p>24 said that he was going to turn himself in that</p> <p>25 night, I didn't get my hopes up.</p>
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<p>1 by that is, where you had been patrolling that day</p> <p>2 was so far south you were closer to Jefferson</p> <p>3 County; would that be a fair statement?</p> <p>4 A. I was closer to Jefferson County than I</p> <p>5 was my precinct station.</p> <p>6 Q. Oh, okay. And so -- and the call came</p> <p>7 in. Did it come in and say they were there now or</p> <p>8 did the call come in saying I'm going to turn him in</p> <p>9 later on?</p> <p>10 A. I think it was --</p> <p>11 Q. As best you remember.</p> <p>12 A. It was a call -- earlier in the day, I</p> <p>13 got a call to call Mr. Strode. And I called him and</p> <p>14 he said that he was going to turn himself in that</p> <p>15 night, which I honestly didn't think it was going to</p> <p>16 happen since I had --</p> <p>17 Q. I didn't ask you what you think.</p> <p>18 MR. HOLLAND: Let him finish the</p> <p>19 answer, Mr. Hughes.</p> <p>20 BY MR. HUGHES:</p> <p>21 Q. Okay. Go ahead.</p> <p>22 A. I didn't think it was going to happen</p> <p>23 because for almost an entire month I had been</p> <p>24 hearing this same thing and --</p> <p>25 Q. Are you saying almost an entire</p>	<p>1 Q. Okay. But then did you receive a call</p> <p>2 that day that he had turned himself in?</p> <p>3 A. I believe it came through dispatch. I</p> <p>4 can't remember if it was to call Mr. Strode or just</p> <p>5 to respond to 100 South Central for Mr. Furlow.</p> <p>6 Q. Once you received that call that</p> <p>7 Mr. Strode -- Mr. Furlow was turning himself in with</p> <p>8 his counsel, did you make any attempts to get down</p> <p>9 to 100 South Central as quickly as possible?</p> <p>10 A. We -- as soon as I notified my field</p> <p>11 trainer, we got there as quickly as we could. I</p> <p>12 mean, we were coming from a distance, and I don't --</p> <p>13 we may have had to clear from a call first before we</p> <p>14 could head that way, but as soon as we were able, we</p> <p>15 headed that way.</p> <p>16 Q. Okay. And then paragraph 50 alleges</p> <p>17 that Mr. Furlow's counsel reiterated to you that</p> <p>18 Mr. Furlow did not intend to answer any questions.</p> <p>19 Is that another way of saying that Mr. Furlow was</p> <p>20 exercising his Fifth Amendment right not to</p> <p>21 incriminate himself?</p> <p>22 A. Yes.</p> <p>23 MR. HOLLAND: Objection.</p> <p>24 BY MR. HUGHES:</p> <p>25 Q. When he exercises his Fifth Amendment</p>

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<p>1 right not to incriminate himself, did you honor that</p> <p>2 right?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. And then did you prepare a</p> <p>5 summons?</p> <p>6 A. Yes.</p> <p>7 Q. Objection. And paragraph --</p> <p>8 paragraph 50, you know, the rest of the sentence</p> <p>9 indicates that "Officer Partin and the supervising</p> <p>10 officer," I assume they're referring to the field</p> <p>11 trainer that was with you that day, but you were</p> <p>12 with a field training officer at that time; is that</p> <p>13 correct?</p> <p>14 A. Yes, Officer Curcuru.</p> <p>15 Q. And so "Officer Partin and the</p> <p>16 supervising officer informed Counsel" -- I guess</p> <p>17 that means Mr. Strode -- "that there would be no</p> <p>18 need to take Mr. Furlow into custody. And then</p> <p>19 paragraph 51 said, "Officer Partin issued a summons</p> <p>20 for Mr. Furlow to appear in court," so that's</p> <p>21 correct; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. So -- so just as -- what was alleged in</p> <p>24 paragraphs 50 and 51, he was not jailed but he was</p> <p>25 released on a summons; is that correct?</p>	<p>1 Q. So your interaction with him was, you</p> <p>2 know, doing your investigation and trying to get him</p> <p>3 to come in to, you know, be given an opportunity to</p> <p>4 give his side of the story, and then you issued a</p> <p>5 summons; is that correct?</p> <p>6 A. Correct.</p> <p>7 Q. And at any time did you -- did you have</p> <p>8 any malice towards Mr. Furlow?</p> <p>9 A. No.</p> <p>10 Q. At any time were you trying to be</p> <p>11 punitive to Mr. Furlow?</p> <p>12 A. No.</p> <p>13 Q. Okay. Did you have any ill will</p> <p>14 towards Mr. Furlow?</p> <p>15 A. No.</p> <p>16 Q. Did -- at any time were you trying to</p> <p>17 be deliberately indifferent to his rights?</p> <p>18 A. No.</p> <p>19 Q. In fact, you were -- you warned him --</p> <p>20 you asked him to come in to give his side of the</p> <p>21 story; is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. And when he didn't, you -- and you told</p> <p>24 him you had probable cause -- you had probable cause</p> <p>25 or you had enough to arrest him if he -- is that</p>
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<p>1 A. Correct.</p> <p>2 Q. And then paragraph 52 alleges that</p> <p>3 after issuing the summons, you stated that the</p> <p>4 wanted would be quashed. Did you use the word</p> <p>5 "quashed"? I'm just curious.</p> <p>6 A. No, I had to ask what that meant.</p> <p>7 Q. Who did you ask?</p> <p>8 A. You.</p> <p>9 Q. Okay. So what word would you have</p> <p>10 used?</p> <p>11 A. "Removed," "canceled."</p> <p>12 Q. Okay. And so you did remove the wanted</p> <p>13 or canceled the wanted that day; is that correct?</p> <p>14 A. If I -- I canceled it that day and</p> <p>15 actually I canceled it as we were leaving Justice</p> <p>16 Services heading back to Affton.</p> <p>17 Q. Okay. Now, let's -- you were asked if</p> <p>18 you had ever -- if you had ever seen Mr. Furlow or</p> <p>19 heard of him before this incident of November 11th,</p> <p>20 2015, and you said no; is that correct?</p> <p>21 A. Yes.</p> <p>22 Q. And you were asked if you had any</p> <p>23 interaction with him after December 12th, 2015, and</p> <p>24 you answered no; is that correct?</p> <p>25 A. Yes.</p>	<p>1 correct?</p> <p>2 MR. HOLLAND: Objection --</p> <p>3 THE WITNESS: Yeah.</p> <p>4 BY MR. HUGHES:</p> <p>5 Q. And --</p> <p>6 MR. HOLLAND: -- to form.</p> <p>7 BY MR. HUGHES:</p> <p>8 Q. And you told him that you could issue a</p> <p>9 wanted; is that correct?</p> <p>10 MR. HOLLAND: Objection to form.</p> <p>11 THE WITNESS: Yes.</p> <p>12 BY MR. HUGHES:</p> <p>13 Q. So you warned him of that; is that</p> <p>14 correct?</p> <p>15 A. Yes.</p> <p>16 Q. And then you discussed with his</p> <p>17 attorney numerous times; is that correct?</p> <p>18 A. Yes.</p> <p>19 MR. HOLLAND: Objection to form.</p> <p>20 BY MR. HUGHES:</p> <p>21 Q. And then you -- when he finally did</p> <p>22 come in and he finally did exercise his right not to</p> <p>23 incriminate himself, you honored that and you issued</p> <p>24 him a summons; is that correct?</p> <p>25 MR. HOLLAND: Objection to form.</p>

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<p>1 THE WITNESS: Yes.</p> <p>2 BY MR. HUGHES:</p> <p>3 Q. And that summons was for -- to appear</p> <p>4 in night court; is that correct?</p> <p>5 A. Yes.</p> <p>6 Q. And --</p> <p>7 MR. HOLLAND: Objection to form.</p> <p>8 BY MR. HUGHES:</p> <p>9 Q. And you were asked about Partin Exhibit</p> <p>10 Number 8, which is the complaint information</p> <p>11 summons -- whatever it's called; do you see that?</p> <p>12 A. Yes.</p> <p>13 Q. Do you see about a third of the way</p> <p>14 down it has a report number? It has, you know,</p> <p>15 preprinted report number and under that it has some</p> <p>16 numbers indicating a report; do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Okay. And what numbers did you put in</p> <p>19 there?</p> <p>20 A. 15-61723.</p> <p>21 Q. Okay. Now, do you have Partin</p> <p>22 Exhibit 6 with you?</p> <p>23 A. Yes.</p> <p>24 Q. And Partin Exhibit 6, is that 15-61723?</p> <p>25 A. Yes.</p>	<p>1 "see report for further" were -- were signed off by</p> <p>2 the County Counselor, whoever B. Joyce Kelly is; is</p> <p>3 that correct?</p> <p>4 A. Yes.</p> <p>5 MR. HOLLAND: Objection to form.</p> <p>6 BY MR. HUGHES:</p> <p>7 Q. Okay. So the charges were issued; is</p> <p>8 that correct?</p> <p>9 MR. HOLLAND: Objection to form.</p> <p>10 MR. HUGHES: It was signed off by the</p> <p>11 prosecutor, let's put it that way.</p> <p>12 Q. It was signed off by B. Joyce Kelly; is</p> <p>13 that correct?</p> <p>14 A. Yes.</p> <p>15 MR. HOLLAND: Objection to form.</p> <p>16 BY MR. HUGHES:</p> <p>17 Q. Okay. So now let me ask you this:</p> <p>18 Paragraph 53 alleges that on February 17th, 2016,</p> <p>19 Mr. Furlow's counsel appeared on Mr. Furlow's behalf</p> <p>20 in St. Louis County Municipal Court, North Division.</p> <p>21 Did you see that?</p> <p>22 A. Yes.</p> <p>23 Q. Now, would it be a true statement that</p> <p>24 on the first court date, the attorneys can appear</p> <p>25 without their client and enter a plea of not guilty,</p>
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<p>1 Q. Okay. And does that report describe</p> <p>2 the event that was called in as an assault but also</p> <p>3 discussed a theft?</p> <p>4 A. Yes.</p> <p>5 Q. Okay. And then what you -- what this</p> <p>6 arrest notification, this complaint information</p> <p>7 summons was for was an assault and it says,</p> <p>8 "Larceny"; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. And then it says, "See report for</p> <p>11 further"; is that correct?</p> <p>12 A. Yes.</p> <p>13 Q. And when you put "see report for</p> <p>14 further," you're referring to that report, 15-61723,</p> <p>15 which is Partin 6; is that correct?</p> <p>16 A. Yes.</p> <p>17 Q. And do you see the signature B. Joyce</p> <p>18 Kelly?</p> <p>19 A. Yes.</p> <p>20 Q. So is that the -- a prosecutor or --</p> <p>21 MR. HOLLAND: Objection to form.</p> <p>22 THE WITNESS: County Counselor, I</p> <p>23 believe.</p> <p>24 BY MR. HUGHES:</p> <p>25 Q. So -- right. Okay. So the charges</p>	<p>1 and then if they enter a plea of not guilty or ask</p> <p>2 for a trial date, then, you know, the victim would</p> <p>3 be notified to appear in court?</p> <p>4 A. Yes.</p> <p>5 Q. So if there was a plea of not guilty on</p> <p>6 that date, the victim, Janet Virgin, would be --</p> <p>7 and, you know, would be notified to appear on</p> <p>8 whenever the trial date is; is that correct?</p> <p>9 A. Yes.</p> <p>10 Q. Were you ever notified that a plea of</p> <p>11 not guilty was entered, by any chance?</p> <p>12 A. No.</p> <p>13 Q. Were you ever notified that this case</p> <p>14 was set for trial?</p> <p>15 A. No.</p> <p>16 Q. Were you ever notified that the victim</p> <p>17 was notified of a trial setting?</p> <p>18 A. No.</p> <p>19 Q. So as far as you know, there's no plea</p> <p>20 of not guilty from what anyone has told you?</p> <p>21 A. Correct.</p> <p>22 Q. And paragraph 54 alleges "While</p> <p>23 discussing Mr. Furlow's case, a municipal prosecutor</p> <p>24 read the charging document written by Officer</p> <p>25 Partin, apparently for the first time." Now, were</p>

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<p>1 you involved or were you even present when I guess</p> <p>2 the counsel for Mr. Furlow and the municipal</p> <p>3 prosecutor were having this discussion?</p> <p>4 A. No.</p> <p>5 Q. Okay. The -- it indicates -- and</p> <p>6 Mr. Holland was bringing out that, you know, you</p> <p>7 wrote "by reason of," and where it's preprinted,</p> <p>8 where it says, "By reason of," what you ended up</p> <p>9 writing in addition to "see report for further," you</p> <p>10 wrote about the circumstances involved when</p> <p>11 Mr. Strode and Mr. Furlow appeared and he indicated</p> <p>12 he did not wish to speak to us; is that correct?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. Now, assuming the point made by</p> <p>15 Mr. Holland was correct, that there's some sort of</p> <p>16 defect in the way this complaint information summons</p> <p>17 was written, even though it was signed by B. Joyce</p> <p>18 Kelly, but let's just assume it's correct that</p> <p>19 there's some sort of defect in the way this is</p> <p>20 written, and let's assume that see report -- "see</p> <p>21 report for further" does not give the -- you know,</p> <p>22 the man accused enough notice of what he's -- you</p> <p>23 know, what the allegations are, do you know enough</p> <p>24 about court procedures to know that a prosecutor can</p> <p>25 amend defects in the information prior --</p>	<p>1 Q. Again, did any witness --</p> <p>2 MR. HOLLAND: Mike, I'm not sure that</p> <p>3 he was shown that document, so can you -- are you</p> <p>4 pointing to a specific exhibit?</p> <p>5 MR. HUGHES: No, you asked him what</p> <p>6 documents he was shown in preparation for his</p> <p>7 deposition and --</p> <p>8 MR. HOLLAND: Got you.</p> <p>9 MR. HUGHES: -- he testified he saw</p> <p>10 that.</p> <p>11 MR. HOLLAND: Understood.</p> <p>12 MR. HUGHES: So that's why I brought</p> <p>13 that up.</p> <p>14 Q. So just my question to you, and I can</p> <p>15 see it's repetitive. Mr. Holland wants to make an</p> <p>16 objection.</p> <p>17 MR. HOLLAND: I just didn't know what</p> <p>18 document you were looking at.</p> <p>19 BY MR. HUGHES:</p> <p>20 Q. Yeah. But did any witness that day on</p> <p>21 November 11th, again, tell you that this lady had</p> <p>22 mental issues?</p> <p>23 A. No.</p> <p>24 Q. And just from what you know about</p> <p>25 ordinary life, was any mental issues apparent to you</p>
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<p>1 A. Yes.</p> <p>2 Q. -- to the trial date?</p> <p>3 A. Yes.</p> <p>4 Q. And would you assume that an attorney</p> <p>5 who does municipal court work would know that also?</p> <p>6 A. Yes.</p> <p>7 Q. Okay.</p> <p>8 MR. HOLLAND: Objection to form.</p> <p>9 BY MR. HUGHES:</p> <p>10 Q. You testified earlier that you had</p> <p>11 become -- well, you were asked what documents you</p> <p>12 were shown in preparation for your deposition, and</p> <p>13 one of the things you mentioned was an exhibit that</p> <p>14 was produced to plaintiff's counsel that was made in</p> <p>15 the ordinary course of business of the prosecutor</p> <p>16 that indicated that the reason for dismissal was</p> <p>17 that "Attorney appeared in court says it's a</p> <p>18 neighbor dispute and the neighbor is not mentally</p> <p>19 well and says they have since moved." So you were</p> <p>20 aware -- you were shown that document; is that</p> <p>21 correct?</p> <p>22 A. Yes.</p> <p>23 Q. You testified to that.</p> <p>24 MR. HOLLAND: Objection.</p> <p>25 BY MR. HUGHES:</p>	<p>1 in talking to the victim?</p> <p>2 A. No.</p> <p>3 MR. HOLLAND: Objection.</p> <p>4 BY MR. HUGHES:</p> <p>5 Q. Okay. And -- and again, as a police</p> <p>6 officer on the street, would you consider if it's</p> <p>7 true that she was -- what's in the report "punched</p> <p>8 in the head," and if it's true that the cell phone</p> <p>9 was taken, would you just consider that a neighborly</p> <p>10 dispute?</p> <p>11 MR. HOLLAND: Objection to form. Asked</p> <p>12 and answered.</p> <p>13 THE WITNESS: No.</p> <p>14 BY MR. HUGHES:</p> <p>15 Q. Okay. And do you have any knowledge</p> <p>16 one way or the other on whether -- I don't know who</p> <p>17 had moved, but do you have any knowledge one way or</p> <p>18 the other if this lady had already moved by this</p> <p>19 first court date?</p> <p>20 MR. HOLLAND: Objection to form.</p> <p>21 THE WITNESS: Not to my knowledge.</p> <p>22 BY MR. HUGHES:</p> <p>23 Q. You wouldn't know yourself; is that</p> <p>24 correct?</p> <p>25 A. No.</p>

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<p>1 Q. So -- oh, you had made a comment</p> <p>2 earlier to Mr. Holland saying my -- he seemed to be</p> <p>3 critical of the way you wrote the report, and you</p> <p>4 made the comment that my report writing has grown</p> <p>5 since this report. Do you remember making that</p> <p>6 statement?</p> <p>7 MR. HOLLAND: Objection to form. I was</p> <p>8 not critical.</p> <p>9 MR. HUGHES: It was not critical?</p> <p>10 THE WITNESS: Yes, I remember.</p> <p>11 BY MR. HUGHES:</p> <p>12 Q. Okay. And -- okay. And so at the time</p> <p>13 you wrote the report you were -- strike that. I'll</p> <p>14 move on.</p> <p>15 And regarding the wanted that was</p> <p>16 issued, that -- you would have requested the wanted</p> <p>17 be issued with the CARE clerk; is that correct?</p> <p>18 A. Yes.</p> <p>19 Q. And that would have been issued in</p> <p>20 REJIS, the regional system?</p> <p>21 A. Yes.</p> <p>22 Q. And you had no reason to think, for</p> <p>23 example, that Mr. Furlow might be going to -- moving</p> <p>24 to Illinois or going to Kansas City or Rolla or</p> <p>25 Columbia, you had no reason to think it had to be</p>	<p>1 A. It was either it came out as either a</p> <p>2 fight or an assault.</p> <p>3 Q. And I believe Mr. Hughes pointed you on</p> <p>4 page 1 of Exhibit 6 to the nature of the -- I guess</p> <p>5 the call, and it says, "Assault."</p> <p>6 A. Fights are assaults.</p> <p>7 Q. That's where I'm going, sir.</p> <p>8 MR. HUGHES: The question he asked you,</p> <p>9 what does it say?</p> <p>10 THE WITNESS: It says "assault" but a</p> <p>11 fight is an assault.</p> <p>12 BY MR. HOLLAND:</p> <p>13 Q. So if the call had been for children</p> <p>14 fighting, would that have been classified under</p> <p>15 nature as assault?</p> <p>16 A. It would have -- yeah, it's a generic.</p> <p>17 It's -- it doesn't -- the only way it would have</p> <p>18 been different, if it was boyfriend and girlfriend,</p> <p>19 then it would have been domestic violence.</p> <p>20 Q. And, in fact, if you look at your</p> <p>21 narrative from this report, neither your report of</p> <p>22 Ms. Virgin's statement nor your report of [REDACTED]</p> <p>23 [REDACTED]'s statement refers to Mr. Furlow punching</p> <p>24 Ms. Virgin; is that correct?</p> <p>25 A. Ms. Virgin could not recall exactly</p>
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<p>1 put a statewide wanted?</p> <p>2 A. Correct.</p> <p>3 Q. Okay. So what was entered against him</p> <p>4 was just in the regional system; is that correct?</p> <p>5 A. Should have been.</p> <p>6 Q. And -- Officer Partin, thank you very</p> <p>7 much. I have no other questions.</p> <p>8 FURTHER EXAMINATION</p> <p>9 BY MR. HOLLAND:</p> <p>10 Q. I have a few follow-ups just to what</p> <p>11 Mr. Hughes was talking to you about. So prior to</p> <p>12 November 11th, 2015, had you ever met Janet Virgin</p> <p>13 before?</p> <p>14 A. No.</p> <p>15 Q. So when you happened upon her that</p> <p>16 morning, you had no -- you couldn't tell whether the</p> <p>17 mark you described for us today had been on her head</p> <p>18 a week or two before, correct?</p> <p>19 A. Correct.</p> <p>20 Q. Do you know who placed the 911 call</p> <p>21 that morning?</p> <p>22 A. I do not.</p> <p>23 Q. What were you informed when the</p> <p>24 dispatch came out to you? What was the -- what was</p> <p>25 the call?</p>	<p>1 what he did, and [REDACTED] stated he observed the</p> <p>2 altercation, was not certain who started that</p> <p>3 altercation, and he just observed D. Furlow take a</p> <p>4 phone from Virgin.</p> <p>5 Q. And we earlier talked about how you</p> <p>6 couldn't be sure based on his account whether that</p> <p>7 was Ms. Virgin's cell phone or Mr. Furlow taking his</p> <p>8 phone back from her; is that correct?</p> <p>9 A. Correct.</p> <p>10 Q. Now, when Mr. Hughes was talking to</p> <p>11 you, he brought up a cab driver.</p> <p>12 A. Yes.</p> <p>13 Q. I didn't see anything about a cab</p> <p>14 driver in your report. Can you tell me anything</p> <p>15 about that?</p> <p>16 A. Because the cab -- the cab driver</p> <p>17 was -- the language barrier was so difficult, we</p> <p>18 couldn't understand anything he was saying other</p> <p>19 than he called. He called someone. But usually if</p> <p>20 there's a language barrier with a call taker and a</p> <p>21 reporting party, they let us know, like, significant</p> <p>22 language barrier or something to that effect, so he</p> <p>23 says he called someone, but that never came across</p> <p>24 to us that him -- as him as the call taker or</p> <p>25 reporting party.</p>

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<p>1 Q. So he says he called someone. Was he</p> <p>2 saying he made the 911 call?</p> <p>3 A. He says he called someone, but like I</p> <p>4 said, when trying to speak with him, the language</p> <p>5 barrier was so great that you really couldn't</p> <p>6 understand anything he was saying and the simple --</p> <p>7 and I mean -- yeah. Whoever he called, it was not</p> <p>8 911 because we didn't get more than one call and</p> <p>9 they didn't advise language barrier, which they are</p> <p>10 very good about advising language barriers.</p> <p>11 Q. Did anyone else on the scene say that</p> <p>12 they had made the 911 call?</p> <p>13 A. Other than Virgin, no.</p> <p>14 Q. Virgin told you she placed the 911</p> <p>15 call?</p> <p>16 A. She called.</p> <p>17 Q. Do you -- just looking at exhibit --</p> <p>18 the summons, do you know who D. Joyce Kelly is?</p> <p>19 A. No.</p> <p>20 Q. Do you know whether that signature or</p> <p>21 stamp, whatever it is on the middle of the page,</p> <p>22 indicates that she read the report?</p> <p>23 A. No, I don't know.</p> <p>24 Q. Do you know whether that indicates</p> <p>25 anything more than that she signed this report --</p>	<p>1 that correct?</p> <p>2 A. Correct.</p> <p>3 Q. Did [REDACTED] ever tell you that the</p> <p>4 phone that his dad removed from Ms. Virgin was his</p> <p>5 dad's phone?</p> <p>6 A. No.</p> <p>7 Q. Did anyone on the scene tell you or</p> <p>8 suggest to you the possibility that when</p> <p>9 Mr. Phone -- Mr. Furlow was taking the phone from</p> <p>10 Ms. Virgin, that he was taking his own phone from</p> <p>11 her?</p> <p>12 A. No.</p> <p>13 MR. HUGHES: Thank you. I have no</p> <p>14 other questions.</p> <p>15 FURTHER EXAMINATION</p> <p>16 BY MR. HOLLAND:</p> <p>17 Q. I would only ask one question: Was</p> <p>18 your determination of probable cause based on</p> <p>19 anything beyond the eyewitness and Ms. Virgin's</p> <p>20 statement?</p> <p>21 A. Say that again.</p> <p>22 Q. Was your determination that you had</p> <p>23 probable cause based on anything beyond the</p> <p>24 statement by the eyewitness, [REDACTED], and</p> <p>25 Ms. Virgin's statement?</p>
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<p>1 piece of paper?</p> <p>2 A. I do not.</p> <p>3 MR. HOLLAND: I think that's all I</p> <p>4 have.</p> <p>5 FURTHER EXAMINATION</p> <p>6 BY MR. HUGHES:</p> <p>7 Q. I have a question. This was</p> <p>8 interesting. He -- Mr. Holland just asked you words</p> <p>9 to this effect: You could not tell if Mr. Furlow</p> <p>10 was taking back his own cell phone or taking</p> <p>11 Ms. Virgin's cell phone; do you recall that?</p> <p>12 MR. HOLLAND: Objection based on the</p> <p>13 account given by the eyewitness.</p> <p>14 BY MR. HUGHES:</p> <p>15 Q. Do you recall that question as being</p> <p>16 asked of you?</p> <p>17 A. Yes.</p> <p>18 Q. Did -- did the eye -- did Ms. Virgin</p> <p>19 ever tell you that when Mr. Furlow grabbed the cell</p> <p>20 phone out of her hand that she was using to</p> <p>21 videotape the fight, to film the fight, that this --</p> <p>22 that the telephone that was taken out of her hand</p> <p>23 belonged to Mr. Furlow?</p> <p>24 A. No.</p> <p>25 Q. Okay. And you talked to [REDACTED]; is</p>	<p>1 A. It was based on that.</p> <p>2 MR. HOLLAND: That's all I have.</p> <p>3 MR. HUGHES: Okay. Here's the drill:</p> <p>4 You have the right to read the deposition once it's</p> <p>5 typed up and make changes to your testimony or make</p> <p>6 corrections that she makes. But most -- I advise</p> <p>7 you to waive that right because it's being videoed</p> <p>8 anyway, so I doubt she'll make a mistake.</p> <p>9 But even if she does, it will be</p> <p>10 videoed, but if you don't waive that -- your</p> <p>11 signature, you'll have to, within a -- you know,</p> <p>12 fill out all the corrections to be made. So would</p> <p>13 you like to waive your signature? You'll get the</p> <p>14 deposition either way.</p> <p>15 THE WITNESS: Yeah.</p> <p>16 MR. HUGHES: Okay. Thank you.</p> <p>17 THE VIDEOGRAPHER: The time is 3:30.</p> <p>18 We are off the record. This concludes the</p> <p>19 deposition of Officer Christopher Partin.</p> <p>20 (Whereupon, signature was</p> <p>21 waived and the witness was</p> <p>22 excused at 3:29 p.m.)</p> <p>23 --oOo--</p> <p>24</p> <p>25</p>

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CERTIFICATE OF REPORTER

I, RENÉE COMBS QUINBY, a Registered Merit Reporter, Certified Realtime Reporter, Certified Shorthand Reporter (CA), Certified Court Reporter (MO), Realtime Systems Administrator, and Notary Public within and for the State of Missouri, do hereby certify that the witness whose testimony appears in the foregoing deposition was duly sworn by me to testify to the truth and nothing but the truth; that the testimony of said witness was taken by stenographic means by me to the best of my ability and thereafter reduced to print under my direction.

I further certify that I am neither attorney nor counsel nor related nor employed by any of the parties to the action in which this deposition was taken; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto or financially interested in this action.

Renée Combs Quinby, RMR, CRR, CCR #1291

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